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1991

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Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1991

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991	June 25, 1991	July 2, 1991	28	July 12, 1991
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Dec. 31, 1990	Jan. 8, 1991	3	Jan. 18, 1991	July 9, 1991	July 16, 1991	30	July 26, 1991
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May 14, 1991	May 21, 1991	22	May 31, 1991	Nov. 19, 1991	Nov. 26, 1991	49	Dec. 6, 1991
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June 18, 1991	June 25, 1991	27	July 5, 1991	Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Commercial Fishing and Musselling in Certain Waters of the State

- 2) CODE CITATION: 17 Ill. Adm. Code 830

3) SECTION NUMBERS:

830.60
830.70
830.90

PROPOSED ACTION:

Amendments
Amendments
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7 and 6.1)

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
Amendments to this Part give greater protection to the commercial fishing and musseling resources of Illinois. Changes include: deleting three species of mussels from the list that may be taken, providing lengths for catfishes dressed with and without the first vertebrae removed; requiring that all relic (dead) Washboard mussels harvested shall measure not less than 4.0 inches; and establishing reporting requirements for commercial fish and mussels harvested.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 17, 1991

- B) Types of small businesses affected: Commercial fishermen licensed by the Department of Conservation to harvest various fish and mussel species (identified in Section 830.60) from certain waters of the State open to commercial harvest. A total of 1,847 currently licensed resident commercial fishermen, 20 non-resident commercial fishermen, 1,500 resident muselors, 16 resident mussel shell buyers and 2 non-resident mussel shell buyers will be affected.

- C) Reporting, bookkeeping or other procedures required for compliance: The commercial fishermen harvesting fish are required to submit monthly catch reports and an annual catch report. These catch reports list the number and pounds of fish harvested by species. Commercial fishermen harvesting mussels are not required to submit catch reports. Mussel harvests are monitored by requiring mussel shell buyers to submit annual reports specifying the weight and price paid for each mussel species purchased by river. These reports are necessary to monitor the removal of fish and mussel species from waters of the State open to commercial harvest.

- D) Types of professional skills necessary for compliance: No professional skills are required.

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 830

COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS OF THE STATE

Section	Definitions
830.05	Waters Open to Commercial Harvest of Fish
830.10	Waters Open to Commercial Harvest of Mussels and seasons
830.20	Special Regulations
830.30	Devices
830.40	Permission
830.50	Species
830.60	Size Limit
830.70	Commercial Fishing and Musseling in Additional Waters
830.80	Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements
830.90	

AUTHORITY: Implementing and authorized by Sections 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7, and 6.1 of the Fish Code of 1971 (Ill. Rev. Stat. 1989, ch. 56, pars. 1.3j, 1.3k, 1.4, 3.25, 4.8, 4.9, 5.7 and 6.1)

SOURCE: Adopted at 5 Ill. Reg. 6809, effective June 16, 1981; codified at 5 Ill. Reg. 10648; emergency amendment at 6 Ill. Reg. 6468, effective May 18, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 10680, effective August 20, 1982; amended at 7 Ill. Reg. 2707, effective March 2, 1983; amended at 10 Ill. Reg. 6926, effective April 15, 1986; amended at 11 Ill. Reg. 9513, effective May 5, 1987; amended at 12 Ill. Reg. 11714, effective June 30, 1988; amended at 15 Ill. Reg. 8544, effective May 24, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 830.60 Species

a) The following species of fish may be taken by licensed commercial fishermen:

- 1) Carp
- 2) Buffalo
- 3) Freshwater drum
- 4) Catfishes (includes bullheads)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

- 5) Paddlefish
 - 6) Carpsuckers
 - 7) Suckers
 - 8) Redhorses
 - 9) Goldeye and Mooneye
 - 10) Gar (except alligator gar)
 - 11) Bowfin
 - 12) American eel
 - 13) Shovelnose sturgeon
 - 14) Gizzard shad
 - 15) White amur (grass carp)
 - 16) Minnows
 - 17) Goldfish
 - 18) Bighead Carp and Silver Carp
- b) The following species of mussels may be taken by licensed commercial musselers:
- 1) Washboard (*Megalania nervosa*)
 - 2) Threeridge (*Ambelma plicata*)
 - 3) Buckhorn or Pistol Grip (*Tritogonia verrucosa*); may not be taken from the Mississippi and Illinois Rivers
 - 4) Mapleleaf (*Quadrula quadrula*)
 - 5) Pimpleback (*Quadrula pustulosa*)
 - 6) Monkeyface (*Quadrula metanevra*)
 - 7) Wartyback (*Quadrula nodulata*)

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- 8) Pigtoe (*Fusconaia flava* forma undata)
- 9) ~~Butterfly (*Ellipsaria lineolata*)~~
- 10) ~~2)~~ Mucket (*Actinonaias ligamentina*); may not be taken from the Mississippi and Illinois Rivers
- 11) ~~10)~~ Ohio River Pigtoe (*Pleurobema cordatum*)
- 12) ~~11)~~ Hickory Nut (*Obovaria olivaria*)
- 13) ~~Pat Mucket (*Lampsilis radiata*)~~
- 14) ~~12)~~ Pink Heelsplitter (*Potamilus alatus*)
- 15) ~~White Heelsplitter (*Laemigena complanata*)~~
- 16) ~~13)~~ Wabash River Pig-toe (*Fusconaia flava* forma flava)
- 17) ~~14)~~ Pocketbook (*Lampsilis ovata*)
- 18) ~~15)~~ Black Sandshell (*Ligumia recta*)

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 830.70 Size Limit

- a) No channel catfish, blue catfish, flathead catfish or white catfish under 15 inches in length, ~~undressed~~, or 12 inches in length, dressed, or 10.7 inches when dressed with the first vertebrae (T bone) removed may be taken.
- b) There is no size limit on other species listed in Section 830.60(a).
- c) All Washboard mussels ~~for the 1991 season~~ shall measure not less than 3-754.0 inches. ~~Beginning January 1, 1992, all washboard mussels shall measure not less than 4.0 inches. All relic (dead) washboards shall measure not less than 3-54.0 inches.~~
- d) All Threeridge mussels shall measure not less than 2.75 inches.
- e) All other mussels listed in 830.60(b), shall measure not less than 2.5 inches.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 830.90 Revocation and Suspension of Commercial Fishing and Musseling Privileges, Hearings and Appeals and Reporting Requirements

- a) In accordance with Section 5.19 of the Fish Code (Ill. Rev. Stat. 1989, ch. 56, par. 5.19), failure to comply with the provisions of the Fish Code of Illinois pertaining to commercial fishing and/or musseling in Illinois waters, and this part will result in suspension or revocation of the commercial fishing and/or musseling licenses. The procedure by which suspensions and revocations are made, the rights of commercial fishermen and musselers to notice and hearing, and the procedures governing such hearings are set forth in 17 Ill. Adm. Code 2530 (Rules governing Department Formal Hearings Conducted for Rule-Making and Contested Cases).
- b) Where waters of the State are open to commercial fishing or musseling by contract, the contract will be revoked upon failure of the contractor to comply with all terms of the contract. Furthermore, any violation of a contract issued by the Director of Conservation or his agents shall be considered a violation of this Administrative Order and subject to the penalties as set forth in Sections 5.7 and 5.19 of the Fish Code (Ill. Rev. Stat. 1989, ch. 56, pars. 5.7 and 5.19).
- c) Commercial fishermen shall submit an accurate annual record of the undressed weights of the species of fish harvested to the Department by January 31 of the following year, whether or not any fish were harvested.
- d) Holders of a commercial mussel harvest license shall submit an accurate record of the types and pounds of each species of mussel and/or relic mussel shells harvested on a monthly basis by the 10th of each month following harvest, whether or not any mussels or mussel shells were harvested.
- e) Failure of licensed commercial fishermen or musselers to submit the required harvest reports in a manner and time frame specified by the Department shall be grounds for refusal on the part of the Department to issue said individuals a license application for the following year.

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NOTICE OF PROPOSED AMENDMENTS

until all required reports are received by the Department.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Standards and Licensure Requirements for Community-Integrated Living Arrangements

2) Code Citation: 59 Ill. Adm. Code 115

3) Section Number: Proposed Action:

Amendment

115.300

- 4) Statutory Authority: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1701 et seq.) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-5).

- 5) A Complete Description of the Subjects and Issues Involved: Section 115.300 is being amended to clarify the requirements of the Life Safety Code as applied to privately owned or leased homes. In addition, this amendment incorporates the 1985 Life Safety Code, the version adopted by the Office of the State Fire Marshal, instead of the 1988. Subsection (d) is being added to require compliance with most of the safety code standards for individuals receiving continuous supervision and living in privately owned living arrangements.

- 6) Will this proposed amendment replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No. This rulemaking does not include any incorporations by reference pursuant to Section 6.02(b) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1006.02(b)).

- 9) Are there any other proposed amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.).

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first

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DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

45-day notice period. Submissions must be in writing and directed to:
Rules Administrator, Illinois Department of Mental Health and
Developmental Disabilities, 402 Stratton Building, Springfield, IL 62765,
telephone (217)785-3313.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 11, 1991.
- B) Types of small businesses affected: Community mental health and developmental disabilities service agencies.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the Proposed Amendment begins on the next page:

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DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 115

STANDARDS AND LICENSURE REQUIREMENTS FOR
COMMUNITY-INTEGRATED LIVING ARRANGEMENTS

SUBPART A: GENERAL PROVISIONS

Section	Purpose
115.100	Incorporation by reference
115.110	Definitions
115.120	

SUBPART B: SERVICE REQUIREMENTS

Section	Description
115.200	Criteria for participation of individuals
115.210	Criteria for termination of individuals
115.215	Community support team
115.220	Interdisciplinary process
115.230	Medical services and medications
115.240	Individual rights and confidentiality
115.250	

SUBPART C: GENERAL AGENCY REQUIREMENTS

115.300	Environmental management of living arrangements
115.310	Geographic location of community-integrated living arrangements
115.320	Administrative requirements

SUBPART D: LICENSURE REQUIREMENTS

115.400	Applicability
115.410	Issuing a license and period of licensure
115.420	License application
115.430	Application acceptance and verification
115.440	Non-transferability of license
115.450	Cessation of operations
115.460	License revocation
115.470	Hearings

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

115. Appendix A Specific Level of Functioning Assessment and Physical Health Inventory

AUTHORITY: Implementing the Community-Integrated Living Arrangements Licensure and Certification Act (Ill. Rev. Stat. 1989, ch. 91½, par. 1701 et seq.) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91½, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91½, par. 100-5).

SOURCE: Adopted at 14 Ill. Reg. 10865, effective July 1, 1990; emergency amendment at 14 Ill. Reg. 20550, effective December 5, 1990, for a maximum of 150 days; Emergency Expired May 18, 1991; amended at 15 Ill. Reg. 8560, effective May 24, 1991; amended at 16 Ill. Reg.

NOTE: Bold-face type denotes statutory language.

SUBPART C: GENERAL AGENCY REQUIREMENTS

Section 115.300 Environmental management of living arrangements

- a) For individuals who receive intermittent supervision and choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall assist individuals in selecting, obtaining and maintaining GILAS which afford safety and basic comfort. Such assistance shall include, but is not limited to:
 - 1) Performing visual inspections;
 - 2) Purchasing safety devices, i.e., smoke detectors, door locks, when needed; and
 - 3) Advocacy with the landlord to encourage compliance with applicable codes.
- b) For individuals who choose to reside in living arrangements owned or leased by an agency, or in living arrangements where the individuals receive both room and board and continuous supervision, the licensed agency shall insure that buildings containing owned or leased living arrangements shall comply with locally adopted building codes as enforced by local authorities and the NFPA 101, Life Safety Code (National Fire Protection Association, 1998 1995), as applicable and as enforced by the Office of the State Fire Marshal. State Fire Marshal approval is required prior to

opening an agency owned/leased living arrangement. Non-compliance may be shown by evidence of administrative or judicial action taken against the owner(s) of a building for violation(s) of the applicable housing code within the previous two months, or a letter indicating non-compliance with Life Safety Code requirements from the Office of the State Fire Marshal.

c) Living arrangements specified in subsection (b) above shall also meet the following additional standards:

- 1) Each living arrangement shall have a smoke detection system which complies with The Smoke Detector Act (Ill. Rev. Stat. 1989, ch. 127½, par. 801 et seq.).
- 2) No more than eight individuals shall be served in any living arrangement.
- 3) There shall be documentation that living arrangements are annually inspected by the licensed CILA agency to insure safety, basic comfort and compliance with this Part.
- 4) Bath and toilet rooms
 - A) At least one bathroom shall be provided for each four individuals. A bathroom shall include a toilet, lavatory, and tub or shower.
 - B) Bathrooms shall be located and equipped to facilitate independence. When needed by the individual, special assistance or devices shall be provided.
 - C) Bathing and toilet facilities shall provide privacy.

5) Bedrooms

- A) Each single individual bedroom shall have at least 75 square feet of net floor area, not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.
- B) Each multiple bedroom shall accommodate no more than two individuals and each bedroom for two individuals shall have at least 55 square feet of net floor area per individual not including space for closets, wardrobes, bathrooms and clearly definable entryway areas.

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

- C) Storage space for clothing and other personal belongings shall be provided for each individual.
 - D) Each bedroom shall have:
 - i) Walls that extend from floor to ceiling;
 - ii) A fire-graded mattress and box spring that is suitable to the size of the individual which provides support and comfort, if beds are provided by the agency.
 - iii) At least one outside window; and
 - iv) Electrical light sufficient for reading (a minimum of 40 footcandles).
 - E) Bedrooms shall maintain a dry and comfortable environment.
 - F) In living arrangements where more than one individual resides, traffic to and from any room shall not be through an individual's bedroom.
- 6) The agency shall ensure that:
- A) Living arrangements shall be safe and clean within common areas and within apartments over which the agency has control.
 - B) Living arrangements shall be free from vermin.
 - C) Waste and garbage shall be stored, transferred and disposed of in a manner that does not permit the transmission of diseases.
 - D) Private water systems shall comply with 77 Ill. Adm. Code 900 (Drinking Water Systems Code), and
 - E) Copies of inspections when performed by local and state inspectors in regard to health, sanitation and environment shall be maintained.
- 7) The agency shall develop, implement and maintain a disaster preparedness plan which shall be reviewed annually, revised as necessary, and ensure that:

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

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- A) Records and reports of fire and disaster training are maintained;
 - B) A record of actions taken to correct noted deficiencies in disaster drills or inspections is maintained;
 - C) Staff know how to react to fire, severe weather, missing persons, psychiatric and medical emergencies, poison control and deaths;
 - D) Individuals know how to react to situations identified in subsection (C) above or are receiving training;
 - E) Staff and individuals are trained in the location of fire-fighting equipment, first aid kits, evacuation routes and procedures; and
 - F) A telephone is available with a list stating the telephone numbers of the nearest poison control center, the police, the fire department and emergency medical personnel.
- 8) The agency shall implement procedures for evacuation which ensure that:
- A) Evacuation drills are conducted at a frequency determined by the agency to be appropriate based on the needs and abilities of individuals served by the particular living arrangement but no less than annually.
 - B) Special provisions shall be made for those individuals who cannot evacuate the building without assistance, including those with physical disabilities and individuals who are deaf and/or blind.
 - C) All personnel are trained to carry out their assigned evacuation tasks.
 - D) Inefficiency or problems identified during an evacuation drill shall result in specific corrective action.
 - E) Evacuation drills shall include actual evacuation of individuals to safe areas.

DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

NOTICE OF PROPOSED AMENDMENT

9) At least one approved fire extinguisher shall be available in the residence, inspected annually and recharged when necessary.

10) First aid kits shall be available and monitored quarterly by the agency.

d) For individuals who receive continuous supervision and choose to reside with their families or in living arrangements owned or leased by the individuals living there, the licensed agency shall ensure that the living arrangements comply with the requirements of all of subsection (c) except subsections (c)(4) and (5); (c)(6)(B) and (D); (c)(7)(B) and (E), (c)(9) and (c)(10).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF MENTAL HEALTH AND
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1) Heading of the Part: Treatment and Habilitation Services

2) Code Citation: 59 Ill. Adm. Code 112

3) Section Numbers: Proposed Action:

112.40 Amended

4) Statutory Authority:

Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91, pars. 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709) and Sections 5.1 and 7 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91, pars. 100-5.1 and 100-7) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1990, ch. 91, par. 5-104) and Section 5 of the Department of Mental Health and Developmental Disabilities Act (Ill. Rev. Stat. 1990 Supp., ch. 91, par. 100-5).

5) A Complete Description of the Subjects and Issues Involved:

Section 112.40 is being amended to reflect current Department policy and procedures and legislation relative to the death and burial of Department recipients.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? This rulemaking does not contain any incorporations by reference pursuant to Section 6.02(b) of the Illinois Administrative Procedures Act (Ill. Rev. Stat. 1989, ch. 127, par. 1006.02(b)).

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not impact the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2201 et seq.)

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested person may submit comments, data, views or argument regarding this proposed rulemaking before the expiration of the first 45-day notice period. Submissions must be in writing and directed to: Rules Administrator, Illinois Department of Mental Health and Developmental Disabilities, 402 Stratton Building, Springfield, IL 62765, telephone (217)785-3313.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not impact small businesses.

The full text of the Proposed Amendment the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 59: MENTAL HEALTH
CHAPTER 1: DEPARTMENT OF MENTAL HEALTH
AND DEVELOPMENTAL DISABILITIES

PART 112

TREATMENT AND HABILITATION SERVICES

Section

- 112.10 Utilization review hearings
112.20 Admission, treatment and habilitation of mentally retarded persons
112.30 Recipient physical and dental examinations and informed consent for services
112.40 Release-Death and burial of deceased-Department recipients
112.50 Tuberculosis control program (Repealed)
112.70 Protection of human subjects
112.80 Use of narcotics and psychotropic drugs in Department facilities
112.90 Administration of psychotropic drugs

AUTHORITY: Implementing Sections 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 19871989, ch. 91½, pars. 3-207, 3-405, 3-903, 3-910, 4-209, 4-312, 4-704 and 4-709) and Sections 5.1 and 7 of "AN-AGF-codifying-the-powers-and-duties-of-the Department of Mental Health and Developmental Disabilities" Act (Ill. Rev. Stat. 19871990 Supp., ch. 91½, pars. 100-5.1 and 100-7) and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 19871990, ch. 91½, par. 5-104) and Section 5 of "AN-AGF-codifying-the-powers-and-duties-of-the Department of Mental Health and Developmental Disabilities" Act (Ill. Rev. Stat. 19871990 Supp., ch. 91½, par. 100-5).

SOURCE: Release and Burial of Deceased Patients adopted at October 1, 1969; Tuberculosis Control Program adopted at May 28, 1975; Protection of Human Subjects adopted at October 2, 1973; Use of Narcotics and Psychotropic Drugs in Department Facilities adopted at July 1, 1974; amended at 3 Ill. Reg. 28, p. 90, effective July 16, 1979; amended at 4 Ill. Reg. 17, p. 234, effective April 15, 1980; Administration of Psychotropic Drugs adopted at June 14, 1974; amended at 3 Ill. Reg. 28, p. 100, effective July 16, 1979; amended at 4 Ill. Reg. 17, p. 234, effective April 15, 1980; rules merged and codified at 5 Ill. Reg. 10725; amended at 9 Ill. Reg. 12785, effective August 1, 1985; amended at 10 Ill. Reg. 11894, effective July 1, 1986; amended at 13 Ill. Reg. 20344 effective December 19, 1989; amended at 16 Ill. Reg. _____, effective _____.

NOTE: Bold-face type denotes statutory language.

DEPARTMENT OF MENTAL HEALTH AND
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Section 112.40 Release-Death and burial of deceased-Department recipients

a) Burial-of-recipients-in-facility-cemeteries-and-bodies-removed-from-the-facility-requires-the-services-of-a-licensed-funeral-director. All-records-pertaining-to-the-recipients-death-must-be-completed-as-outlined-in-the-Public-Health-laws, -iii- Rev. Stat., Chap. 111, Sec. 93-10.

b) Facility-directors-shall-make-every-effort-to-have-relatives, friends, conservators, or-interested-organizations-assume-charge-of-and-the-expense-of-burying-bodies. Assets-of-the-recipient-and-burial-allowances-to-which-he-is-entitled-shall-be-used-to-the-extent-that-they-are-available-within-limitations-set-forth-in-Rule 10-02-(59 -iii- Adm. Code Section 110-20). If-the-family-of-a-recipient-requests-burial-of-the-recipient-in-a-cemetery-plot-owned-by-or-available-to-the-recipient-or-his-family, the-facility-may-grant-such-request-and-pay-all-or-part-of-the-funeral-expense, if-the-cost-cannot-be-borne-by-the-family-or-from-the-recipient's assets. The-amounts-paid-by-the-facility-in-such-cases-shall-not-exceed-the-rate-paid-for-state-burials-by-that-facility. The-Department-may-accept-partial-payment-of-the-cost-of-burials-made-at-state-expense-from-relatives-or-conservators-of-recipients-who-are-unable-to-bear-the-total-cost.

c) Recipients-buried-in-facility-cemeteries-shall-receive-their-last-rites-in-keeping-with-their-religious-faith. The-medical-record-librarian-shall-maintain-an-accurate-record-of-all-bodies-placed-in-the-facility-cemeteries. All-graves-shall-be-plainly-marked-with-number-or-name-and-number, and-the-cemeteries-shall-be-kept-in-a-tidy, presentable-condition.

d) Unclaimed-bodies-required-to-be-buried-at-state-expense-may-be-turned-over-to-the-Demonstrators-Association-as-a-joint-representative-of-the-illinois-medical-schools, -iii- Rev. Stat. Chap. 91, Sec. 19-22-Before-the-body-is-taken-by-this-organization, an-appropriate-funeral-service-shall-be-held. The-Demonstrators-Association-shall-bear-all-expenses-of-removing-and-shipping-such-bodies. The-clause-on-the-death-certificate-in-all-such-cases-shall-read "Surrendered to the Illinois Demonstrators Association"-in-lieu-of-place-of-burial.

a) Immediately following a recipient's death, the facility director shall notify the following individuals or officials regardless of whether the death occurred at the facility or while the recipient was on temporary absence (e.g., home visit, unauthorized absence), or within 48 hours after the recipient's discharge to a community hospital:

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1) The recipient's responsible relatives, the guardian, if applicable, and any other persons the recipient has designated to be notified;

2) The coroner of the county in which the facility is located. If death occurs in a different county from the one in which the facility is located, both county coroners shall be notified. An inquest shall be held as provided by Section 3-3013 of the Counties Code (Ill. Rev. Stat. 1989, ch. 34, par. 3-3013). Records and communications of a deceased recipient may be disclosed to a coroner conducting a preliminary investigation into the recipient's death in accordance with Section 10(10) of the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1989, ch. 91, par. 810(10));

3) The Illinois Department of Public Health in accordance with Section 4 of The Abused and Neglected Long-Term Care Facility Reporting Act (Ill. Rev. Stat. 1989, ch. 111, par. 4164);

4) The Department's Inspector General, using form DMHDD-107, OIG Incident Report. The Inspector General shall also be notified of a recipient's death from other than accidental causes which occurs within 30 calendar days after the discharge or conditional discharge of the recipient, if known to the facility director.

b) The facility shall complete form DMHDD-24, Notice of Death, and file a copy in the recipient's medical record.

c) Within three working days of the death, the facility director shall notify the Mental Health and Developmental Disabilities Medical Review Board, which shall carry out its functions as provided for in Section 5-100A of the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91, par. 5-100A). The Board shall be entitled to inspect and copy recipient records as provided for in Section 7(c) of the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1989, ch. 91, par. 807(c)).

d) Within 10 calendar days following the recipient's death, or within 10 calendar days after the facility has received notice of the recipient's death, the facility director shall provide written notice of the death as well as the cause of death, to the court having jurisdiction over the recipient at the time of death. If the facility director is unaware of the cause of death at the time the court is notified, the facility director shall provide the cause of

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death to the court within 10 calendar days after learning the cause of death. If a recipient had been under the jurisdiction of a court, but was not so at the time of his or her death, no action with respect to the prior court need be taken.

e) Policies and procedures for the acquisition and use of funds for burial of a recipient are set forth in the Department's Rule at 59 Ill. Adm. Code 110.20. On the death of a recipient having a court-appointed guardian, the facility director shall review the guardian's authority as granted by the court. Subsequent contact with the guardian shall only be in accordance with the court-granted authority.

f) Burial of recipients in facility cemeteries and bodies removed from the facility require the services of a licensed funeral director. All records pertaining to the recipient's death must be completed as outlined in Section 18 of the Vital Records Act (Ill. Rev. Stat. 1989, ch. 111½, par. 73-18).

g) Recipients buried in facility cemeteries shall receive their last rites in keeping with their religious faith. The facility director shall maintain an accurate record of all bodies placed in the facility cemeteries. All graves shall be plainly marked with the recipient's name and an identification number. When requested by a family member, the facility may assist in the location of the interment site of a recipient who is buried in a facility cemetery in accordance with Section 11(v) of the Mental Health and Developmental Disabilities Confidentiality Act (Ill. Rev. Stat. 1989, ch. 91½, par. 811(v)).

h) Unclaimed bodies required to be buried at state expense may be surrendered to an Illinois medical school in accordance with the provisions of "AN ACT to promote medical, surgical, anatomical, biological and mortuary sciences in the State of Illinois" (Ill. Rev. Stat. 1989, ch. 144, pars 144 - 1551 et seq.) Before the body is released to the medical school, a funeral service shall be held commensurate with the recipient's religious faith. The recipient of the body shall bear all expenses of removing and shipping the body. The clause on the death certificate in all such cases shall show that the body was surrendered to the medical school in lieu of place of burial, unless the body is returned to the facility for burial.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Clinical Social Work and Social Work Practice Act

2) Code Citation: 68 Ill. Adm. Code 1470

3) Section Numbers: Proposed Action:
1470.95 New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111, pars. 6355 and 6361, as amended by P.A. 87-237, effective January 1, 1992.

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes minimum continuing education requirements for social workers and clinical social workers applying to renew their licenses, beginning with the November 30, 1993 renewal. It also gives procedures and requirements for becoming a continuing education sponsor, for getting programs approved and for applying for a waiver of continuing education requirements.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 17, 1991
- B) Types of small businesses affected: Businesses that employ licensed social workers or licensed clinical social workers and any business authorized by the Department of Professional Regulation to present continuing education courses or programs.

- C) Reporting, bookkeeping or other procedures required for compliance: When seeking renewal of a license, each applicant shall certify on the renewal application full compliance with continuing education requirements.

Entities seeking approval as continuing education sponsors will be required to file an application with the Department. Each sponsor also shall submit to the Department written notice of program offerings at least 30 days prior to course dates as well as be responsible for verifying attendance at each program and provide a certificate of attendance. To maintain approval as a sponsor, each sponsor will be required to submit to the Department by November 30 of each odd-numbered year a renewal application and a list of courses and programs offered within the last 24 months. Sponsors will be required to maintain attendance records for at least five years.

This rulemaking establishes a \$500 application fee for continuing education sponsors and a \$100 recertification fee every two years. State agencies, State colleges and State universities are exempt from paying these fees.

- D) Types of professional skills necessary for compliance: Professional social worker or clinical social worker skills are necessary for licensure.

The full text of the Proposed Amendments begins on the next page:

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1470

CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

Section

1470.5 Grandfather Provisions

1470.7 Temporary License

1470.10 Applications

1470.20 Professional Experience

1470.30 Approved Colleges, Universities, and Graduate Schools of Social Work Programs

1470.40 Employer's Affidavit (Repealed)

1470.50 Admission to Examination (Repealed)

1470.60 Endorsement

1470.70 Examinations

1470.80 Restoration

1470.90 Renewals

1470.95 Continuing Education

1470.100 Granting Variances

AUTHORITY: Implementing the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1983 Supp. 1989, ch. 111, par. 6351 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 60(7)).

SOURCE: Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at ____ Ill. Reg. _____, effective ____.

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Section 1470.95 Continuing Education

a) Continuing Education Hours Requirements

- 1) Beginning with the November 30, 1993, license renewal and every renewal thereafter, every licensee who applies for renewal of a license as a social worker or clinical social worker shall complete 30 hours of continuing education (CE) relevant to the practice of social work or clinical social work.
- 2) A prerenewal period is the 24 months preceding November 30 of each odd-numbered year.
- 3) CE requirements shall be the same for licensed social workers and licensed clinical social workers.
- 4) One CE hour shall equal one clock hour.
- 5) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 6) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
- 7) Social workers or clinical social workers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.

b) Approved Continuing Education (CE)

- 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course ("program") which is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c) below, except for those activities provided in subsections (2), (3) and (4) below.
- 2) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of social work related courses which are a part of the curriculum of a college, university or graduate school of social work.

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- 3) CE credit may be earned for verified teaching in a college, university or graduate school of social work approved in accordance with Section 1470.30 and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program).
- 4) CE credit may be earned for authoring papers, publications or books and for preparing presentations and exhibits. The preparation of each published paper, book chapter or audio-visual presentation dealing with social work or clinical social work may be claimed as 5 hours of credit. A presentation must be before a professional audience of social workers, clinical social workers, psychologists or professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.
- c) Approved CE Sponsors and Programs
 - 1) Sponsor, as used in this Section, shall mean a person, firm, association, corporation or any other group which has been approved and authorized by the Department upon recommendation of the Board to coordinate and present continuing education courses or programs.
 - 2) Entities seeking approval as CE sponsors shall file an application, on forms supplied by the Department, along with the \$500 application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (3) below and all other criteria in this Section;
 - B) That the sponsor will be responsible for verifying attendance at each program and provide a certificate of attendance as set forth in subsection (10) below;
 - C) That upon request by the Department, the sponsor will submit evidence (e.g. certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;

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D) That each sponsor shall submit to the Department written notice of program offerings 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.

3) All programs shall:

- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of social work or clinical social work;
- B) Foster the enhancement of general or specialized social work or clinical social work practice and values;
- C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
- D) Specify the course objectives, course content and teaching methods to be used; and
- E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.

4) Each CE program shall provide a mechanism for evaluation of the program by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.

5) An approved sponsor may subcontract with individuals and organizations to provide approved programs.

6) All programs given by approved sponsors shall be open to all licensed social workers and licensed clinical social workers and not be limited to members of a single organization or group.

7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.

8) To maintain approval as a sponsor, each sponsor shall submit to the Department by November 30 of each odd-numbered year a renewal application, a \$100 fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.

9) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:

- A) The name, address and license number of the sponsor;
- B) The name and address of the participant;
- C) A brief statement of the subject matter;
- D) The number of hours attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

10) The sponsor shall maintain attendance records for not less than 5 years.

11) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

12) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.

13) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.

d) Certification of Compliance with CE Requirements

1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.

2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g. certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.

3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1016).

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e) Continuing Education Earned in Other Jurisdictions. If a licensee has earned CE hours offered in another state or territory not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, within 90 days of completion of the CE program and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section. Applicants may seek individual program approval prior to the participation in the program.

f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.

g) Waiver of CE Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.

2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a currently licensed physician;
- C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
- D) Any other similar extenuating circumstances.

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- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: Added at ___ Ill. Reg. ___, effective _____)

NOTICE OF PROPOSED AMENDMENTS

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1) Heading of the Part:

Intermediate Care for the Developmentally Disabled Facilities Code

2) Code Citation:

77 Ill. Adm. Code 350

3) Section Numbers:

350.140
350.150
350.330
350.640
350.1230
350.1870
350.2960
350.3000
350.3310
350.4210

Proposed Action:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 350 govern the licensure of long-term care facilities that provide intermediate care for the developmentally disabled. These proposed amendments include technical changes as well as addressing issues encountered by the Department in implementing the rules.

Section 350.140 - A misquotation of statutory language is being corrected. In addition, subsection (e) is being amended to delete the word "written" in regard to approval by the Department for the operator to begin operation of the facility prior to actual receipt of the license certificate.

Section 350.150 - These changes are the same as those being made in Section 350.140.

Section 350.330 - The definition of "Facility or Long-Term Care Facility" is being amended to reflect amendments to the Nursing Home Care Act made by Public Act 86-1244, effective January 1, 1991. In the definition of "Nursing Unit," the term "distinct part" is being changed to "designated area" to eliminate confusion with a distinct part as that term is defined in the rules. In addition, statutory citations are updated.

Section 350.640 - A misquotation of statutory language is being corrected, and statutory citations are being added.

Section 350.1230 - The Department is deleting the requirement that a facility must have less than 50 bed capacity in order to receive approval from the Department to have two nurses share the duties of the director of nursing. Because the conditions for approval as set forth in the rule are very specific, the Department believes that any facility that meets the conditions should receive approval for the shared position, regardless of the size of the facility.

Section 350.1870 - This Section is being amended to require that snacks be offered between meals when there are more than four hours between meals. The existing rule allows the facility to offer either between-meal or bedtime snacks.

Section 350.2960 - This Section is being amended to delete an obsolete provision and to clarify the Department's requirements governing the size of resident bedrooms. New waivers to the square footage requirements have not been granted since the date set forth in subsection (b)(1). December 24, 1987; however, the rule still refers to approval of smaller-sized rooms by the Department. Therefore, the reference to approval of multiple bedrooms of not less than 70 square feet per resident is being deleted. The language of subsection (b)(1) is also being clarified to refer to square feet of usable floor area, as defined in the rule.

Section 350.3000 - The Department is amending this Section to clarify its policies governing the presence of other businesses in buildings containing existing long-term care facilities so that the requirements are consistent with those in Parts 300, 330 and 390 and with the requirements for new facilities in Section 350.2700.

Section 350.3310 - This Section is being amended to correct statutory language.

Section 350.4210 - An incorrect cross-reference is being corrected in subsection (b)(6).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

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If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
350.120	Amendments	15 Ill. Reg. 4280
350.330	Amendments	15 Ill. Reg. 4280

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. Devito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. Devito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of

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the Department of Commerce and Community Affairs:B) Type of Small Businesses Affected:

Intermediate Care Facilities for the Developmentally Disabled.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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350.330 Definitions
350.340 Incorporated and Referenced Materials

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

SUBPART B: ADMINISTRATION

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

SUBPART C: POLICIES

Section
350.110 General Requirements
350.120 Application for License
350.130 License
350.140 Issuance of an Initial License for a New Facility
350.150 Issuance of an Initial License Due to a Change of Ownership
350.160 Issuance of a Renewal License
350.165 Criteria for Adverse License Actions
350.170 Denial of Initial License
350.175 Denial of Renewal of License
350.180 Revocation of License
350.190 Experimental Program Conflicting With Requirements
350.200 Inspections, Surveys, Evaluations and Consultation
350.210 Filing an Annual Attested Financial Statement
350.220 Information to Be Made Available to the Public By the Department
350.230 Information to Be Made Available to the Public By the Licensee
350.240 Municipal Licensing
350.250 Ownership Disclosure
350.260 Issuance of Conditional Licenses
350.270 Monitor and Receivership
350.272 Determination to Issue a Notice of Violation or Administrative Warning
350.274 Determination of the Level of a Violation
350.276 Notice of Violation
350.277 Administrative Warning
350.278 Plans of Correction
350.280 Reports of Correction
350.282 Conditions for Assessment of Penalties
350.284 Calculation of Penalties
350.286 Determination to Assess Penalties
350.288 Reduction or Waiver of Penalties
350.290 Quarterly List of Violators
350.300 Alcoholism Treatment Programs in Long-Term Care Facilities
350.310 Department May Survey Facilities Formerly Licensed
350.320 Waivers

SUBPART D: PERSONNEL

350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff

SUBPART F: HEALTH SERVICES

350.1210 Health Services
350.1220 Physician Services
350.1225 Tuberculin Skin Test Procedures

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350.1250

Nursing Services
Dental Services
Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

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Medication Policies and Procedures
Conformance with Physician's Orders
Administration of Medication
Labeling and Storage
Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

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Resident Record Requirements
Content of Medical Records
Confidentiality of Resident's Records
Records Pertaining to Residents' Property
Retention and Transfer of Resident Records
Other Resident Record Requirements
Staff Responsibility for Medical Records
Retention of Facility Records
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SUBPART I: FOOD SERVICE

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350.1840
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350.1910

Director of Food Services
Dietary Staff in Addition to Director of Food Services
Hygiene of Dietary Staff
Diet Orders
Adequacy of Diet and Meal Pattern
Therapeutic Diets
Scheduling Meals
Menu Planning
Food Preparation and Service
Food Handling Sanitation
Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

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Maintenance
Housekeeping
Laundry Services

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Furnishings
Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Codes
Water Supply
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SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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350.2700
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350.2740

Applicability of Standards
Codes and Standards
Preparation of Drawings and Specifications
Site
Administration and Public Areas
Nursing Unit
Dining, Living, Activities Rooms
Therapy and Personal Care
Service Departments
General Building Requirements
Structural
Mechanical Systems
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SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

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Applicability
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Structural
Mechanical Systems
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SUBPART O: RESIDENT'S RIGHTS

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350.3240
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350.3260
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350.3290
350.3300
350.3310
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General
Medical and Personal Care Program
Restraints
Abuse and Neglect
Communication and Visitation
Residents' Funds
Residents' Advisory Council
Contract With Facility
Private Right of Action
Transfer or Discharge
Complaint Procedures
Confidentiality
Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 15 BEDS OR LESS

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350.3760
350.3770
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350.3790
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350.3820
350.3830
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350.3850
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350.3880
350.3890

Applicability of Other Provisions of this Part
Administration
Admission and Discharge Policies
Personnel
Consultation Services and Nursing Services
Medication Policies
Food Services
Codes and Standards
Administration and Public Areas
Bedrooms
Nurses Station
Bath and Toilet Rooms
Utility Rooms
Living, Dining, Activity Rooms
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Kitchen
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General Building Requirements
Corridors

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Special Care Room

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Exit Facilities and Subdivision of Floor Areas

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Hazardous Areas and Combustible Storage

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Mechanical Systems

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Heating, Cooling, and Ventilating Systems

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Construction Types

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New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

350.4210

Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
APPENDIX B Federal Requirements Regarding Residents' Rights
APPENDIX C Seismic Zone Map

APPENDIX D Forms for Day Care in Long-Term Care Facilities

TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled

TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled

TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled

TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983
Applicable for New Intermediate Care Facilities for the Developmentally Disabled at Fifteen (15) Beds or Less

TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Fifteen (15) Beds or Less

TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature.

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended

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at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 350.140 Issuance of an Initial License for a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT (Ill. Rev. Stat. 1987, ch. 111, pars. 3651 et seq.) AS NOW OR HEREAFTER AMENDED; AND
- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT

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(Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 4151-101 et seq.) AND THIS PART.
(Section 3-109 of the Act)

- b) The Department will issue a probationary license for 120 days from the date of issuance. ~~THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR 120 DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)~~
- c) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act) ~~DURING THE 120-DAY PERIOD OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN 30 DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLETES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)~~
- d) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act) ~~IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO 120 DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)~~
- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.150 Issuance of an Initial License Due to a Change of Ownership

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- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:
- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
 - 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT, AS NOW OR HEREAFTER AMENDED; AND
 - 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)
- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFeree MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFeree SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)
- c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFeree. (Section 3-112 of the Act)
- d) THE LICENSE GRANTED TO THE TRANSFeree SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)

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- e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF OWNERSHIP. (Section 3-114 of the Act)
- f) The Department will issue a probationary license for 120 days from the date of issuance. ~~THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR 120 DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)~~
- g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act) ~~DURING THE 120 DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN 30 DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)~~
- h) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act) ~~IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO 120 DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)~~
- i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of written approval by the Department.

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(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

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Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 350.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area of cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

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APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

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Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disabilities (DD) Aide - any person who provides nursing, personal or rehabilitative care to residents of Intermediate Care Facilities for the Developmentally Disabled, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to DD aides include, but are not limited to, Program Aides, Program Technicians and Habilitation Aides. DD Aides must function under the supervision of a licensed nurse or a Qualified Mental Retardation Professional (QMRP).

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Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

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has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed

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by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE ~~THE COUNTY HOME ACT~~ (Ill. Rev. Stat. 1989, ch. 34, pars. 5-21001 and 5-22001), ~~34-par-5261-et-seq.) AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED"~~ (Ill. Rev. Stat. 1987, ch. 24, par. 3561-et-seq.) ~~AS NOW OR HEREAFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT~~

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INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION OF ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) ~~AS NOW OR HEREAFTER AMENDED;~~

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) ~~AS NOW OR HEREAFTER AMENDED; OR~~

ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4181 et seq.);

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1969, ch. 91 1/2, par. 621 et seq.);

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANITORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY; ~~OR (Section 113 of the Act)~~

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-

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INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE
COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE
AND CERTIFICATION ACT (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 1701 et
seq.). (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR
GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE
PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW
OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For

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Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to Division 5-22 of the Counties Code "AN ACT in relation to homes for the aged", as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 5-22001 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DDs) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1989, ch. 111, pars. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE
FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

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Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the State regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

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New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area ~~distinct part~~ of a facility consisting of all the beds within the designated area ~~distinct part~~, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois

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Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

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Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and

has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 350.280(q)(8), 350.280(k)(2) and 350.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 350.180(b)(1) and 350.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.640 Contract Between Resident and Facility

a) Contract Execution

1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

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- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
 - B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED; OR
 - C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY.
(Section 2-202(a) of the Act)
- 2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)
 - 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON," BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)
 - 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)
 - 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed

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- by, or on behalf of the person, within ten days of the effective date of this Part ~~these rules~~, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or a member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.
- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
 - c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)
 - d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT.
(Section 2-202(c) of the Act)
 - e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.
 - f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."
 - g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.
 - h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)
 - i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

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- j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)
- k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)
- l) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee. (Section 2-202(g)(2) of the Act)
- m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)
- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (1) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract.
- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.
- n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)
- o) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is

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- nonrefundable, the contract shall provide express notice of such nonrefundability. (Section 2-202(g)(5) of the Act)
- p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-202 OF THE ACT. (Section 2-202(g)(6) of the Act)
- q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)
- r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)
- s) After July 1, 1982, all facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, nursing services, medical services or personal care services, in addition to maintenance services, for a

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term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

- 1) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985, SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

- u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.1230

Nursing Services

- a) Each facility shall have a full-time health service supervisor who is a registered nurse or a licensed practical nurse whose only responsibility is the immediate supervision of the facility's health services. This person shall be on duty a minimum of 36 hours, four days per week. At least 50 percent of this person's hours shall be regularly scheduled between 7 A.M. and 7 P.M. There shall be a registered nurse or a licensed

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practical nurse on duty 24 hours per day and seven days per week in charge of health services at all times when the health service supervisor is not on duty. If the health services supervisor is a licensed practical nurse, arrangements for consultation from a registered nurse shall be made as specified in Section 350.820(4)(d). (B)

- 1) A facility of ~~less than 50~~ bed capacity may, with written approval from the Department, have two nurses share the duties of this position if it is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the number and availability of licensed nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time.
- 2) If two persons are to share the position, one shall be designated the Health Services Supervisor and the other shall be designated the Assistant Health Services Supervisor. Both of these persons may be Registered Nurses (RN), both may be Licensed Practical Nurses (LPN), or one may be an RN and the other an LPN. In the latter case, the RN shall be designated the Health Services Supervisor and the LPN shall be designated the Assistant Health Services Supervisor.

- 3) In facilities with a capacity of less than 50 beds, this person (or these persons), may also provide direct patient care, and this person's time may be included in meeting the staff to resident ratio requirements.

- b) A licensed practical nurse who is the health services supervisor shall either be a graduate of a State approved school of practical nursing or equivalent. (See Definitions, Section 350.330).

- c) Residents shall be provided with nursing services, in accordance with their needs and which shall include, but are not limited to, the following: The Health Services Supervisor's participation in:

- 1) The pre-admission evaluation study and plan.

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- 2) The evaluation study, program design, and placement of the resident at the time of admission to the facility.
- 3) The periodic reevaluation of the type, extent, and quality of services and programming.
- 4) The development of discharge plans, and the referral to appropriate community resources.
- 5) Training in habits in personal hygiene.
- 6) Development of a written plan for each resident to provide for nursing services as part of the total habilitation program.
- 7) Modification of the resident care plan, in terms of the resident's daily needs.
- d) A registered nurse shall participate, as appropriate, in the planning and implementation of training of facility personnel.
- e) Direct care personnel shall be trained in, but are not limited to, the following:
 - 1) Detecting signs of illness, dysfunction or maladaptive behavior that warrant medical, nursing or psychosocial intervention. (B)
 - 2) Basic skills required to meet the health needs and problems of the residents. (B)
 - 3) First aid in the presence of accident or illness. (B)
- f) There shall be available sufficient, appropriately qualified nursing staff, which may include currently licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. (A, B)
- g) The individual responsible for the provision of nursing services shall have knowledge and experience in the field of developmental disabilities.
- h) Nursing service personnel at all levels of experience and competence shall be assigned responsibilities in accordance with their qualifications. (B)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.1870 Scheduling Meals

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- a) A minimum of three meals or their equivalent shall be served daily at regular times with no more than a 14 hour span between a substantial evening meal and breakfast. The 14 hour span shall not apply to facilities using the "four or five meals-a-day" plan, provided the evening meal is substantial and includes, but is not limited to, a good quality protein, bread or bread substitute, butter or margarine, a dessert and a nourishing beverage. (B)
- b) ~~Between meals or~~ Bedtime snacks of nourishing quality shall be offered. (B) ~~Snacks of nourishing quality shall be offered between meals when there is a time span of four or more hours between the ending of one meal and the serving of the next, or as otherwise indicated in the resident's plan of care.~~
- c) If a resident refuses food served, reasonable and nutritionally appropriate substitutions shall be served. (B)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.2960

Nursing Unit

a) General Requirements for Bedrooms

- 1) Resident bedrooms shall have an entrance directly off a corridor with an entrance door that swings into the room. Rooms used as bedrooms and included in the licensed capacity as of December 24, 1987, which do not open directly into corridors but instead open into large living/dining/activity areas, are exempt from this rule. However, no additional such rooms will be permitted to be established after December 24, 1987.
- 2) Resident bedroom shall have adequate and satisfactory artificial light and be equipped in accordance with Section 350.3040(c)(2) and (d).
- 3) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom. (B)
- 4) A closet or wardrobe at least six square feet shall be provided for each resident.
- 5) Each bedroom floor shall be no more than three feet below the adjacent ground level.
- 6) Each room used as a resident bedroom shall have at least one outside window, and a total window area to the outside equal to at least one-tenth the floor area of the room.

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b) Resident Bedrooms

- 1) Each single resident bedroom shall contain at least 100 square feet of usable floor area. Each multiple resident bedroom shall contain at least 80 square feet per bed of usable floor area. ~~Multiple bedrooms of not less than 70 square feet per bed may be approved by the Department if services can be provided.~~ Minimum usable floor area shall be exclusive of toilet rooms, closets, lockers, wardrobes, alcoves, vestibules, or clearly definable entryways. Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, and which have at least 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, are exempt from this subsection (b)(1). Those bedrooms for which facilities had waivers to this subsection (b)(1) on (and continuously since) December 24, 1987, but which have less than 90 square feet for single bedrooms and 70 square feet per bed for multi-bedrooms, continue to be subject to waiver procedures on an annual basis (See Section 350.320).

- 2) Maximum room capacity shall be four residents. Beds shall be at least three feet apart and no more than three deep from an outside wall. There shall be a minimum of ten feet between walls or a wall and any built-in furniture or storage space.

c) Special Care Room

- 1) Provide a special care room for each 150 beds.
- 2) Provide this room with a toilet lavatory and all other necessary facilities to meet the resident's needs and as required to care for an ill resident.
- 3) This room shall be located to provide proper and efficient supervision of the resident by the nursing staff.
- 4) The room may be included in the authorized maximum bed capacity for the facility. It is permissible for the room to be occupied by a resident, not in need of special care, provided the resident is clearly informed and understands he will be immediately transferred out of the room any time of day or night, whenever the room is needed to care for a resident requiring special care.

d) Nurses' Station

- 1) Provide a minimum of one nurses' station on each floor. The station shall have direct access to a corridor, shall be located near the area it will serve, and shall be designed to provide visual control of the area. It shall be separated

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satisfactorily from the nurses' utility rooms. In Intermediate Care Facilities for the Developmentally Disabled one nurses' station serving two floors housing residents is acceptable if there are less than 15 beds on an adjacent floor which are served by the nurses' station. (B)

- 2) At least one nurses' station shall have a medicine sink with hot and cold running water, a work counter, a medicine cabinet, and necessary equipment and furnishings.

- 3) Provide a nurses' toilet and handwashing sink convenient to the nurses' station.

e) Bath and Toilet Rooms

- 1) The maximum capacity of resident beds on each floor shall be used to determine the number of fixtures required even though some of the beds are not occupied.

- A) Provide a minimum of one water closet, one lavatory, and one bathtub or shower for each sex on each floor occupied by residents.

- B) Provide a minimum of one lavatory and one water closet for each ten resident beds on each floor.

- C) Provide a minimum of one bathtub or shower for each 15 resident beds on each floor.

- D) Each lavatory shall be provided with a well-illuminated mirror.

- 2) All bath and toilet rooms shall be easily accessible, and conveniently located. Group bath and toilet facilities shall be partitioned or curtained for privacy.

- 3) All showers, other than those for residents needing assistance in bathing, shall have minimum dimensions of three feet by three feet.

- 4) Shower stalls shall have a low or no curb at the entrance opening. Under certain circumstances this may be waived but in no instances can the curb be higher than three inches.

- 5) If toilet rooms provided adjacent to residents' bedrooms are not large enough to permit use by wheelchair residents, at least one toilet room or enclosure measuring five feet by six feet shall be provided on each floor housing residents. Provide a lavatory usable by wheelchair residents in this room.

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- 6) Provide on each floor at least one bathing facility or enclosure of not less than eight feet six inches by eight feet six inches with an acceptable system for assistance in bathing persons with physical disabilities. If a shower is installed instead of a bathtub, such shower shall have a minimum dimension of four feet wide by three feet six inches deep. These showers shall have a water inlet to which is connected a flexible hose with spray or shower head attached to the end of the hose. If desired, a conventional shower head installation may also be provided but it must be valved off from the lower water inlet.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.3000 General Building Requirements

a) Elevators

- 1) Provide a minimum of one elevator in all buildings of three or more stories in height. Additional elevators shall be provided as determined by the Department. The basement, if it is used by residents, shall be considered as one story.
- 2) If 60 to 200 beds are located above the second floor, at least one additional elevator shall be provided. If over 200 beds are located above the second floor, the number of additional elevators shall be determined by the Department.
- 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a patient according to physician's orders using existing elevators and elevator doors.

b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one and one-half inches in diameter and one and one-half inches minimum clear of the wall. The height shall be 30 to 34 inches measured vertically from floor surface. Refer to the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) for grab bar dimensions and details. (B)
- 2) Grab bars shall be provided at all resident toilets, showers, tubs, and stiz bath. Refer to the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) for grab bar dimensions and details. (B)

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c) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight feet ceiling height.
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall not be less than seven feet eight inches ceiling height.
- 3) Suspended pipes and similar features located in the path of traffic shall not be less than six feet eight inches above the floor.

d) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware. (B)
- 2) All exterior doors shall be equipped with a signal that will alert the staff if a resident leaves the building. Any exterior door that is supervised during certain periods may have a disconnect device for part-time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are carried by the attendants at all times. (B)
- 4) Resident toilet rooms shall open directly into a corridor or into a resident's bedroom.
- 5) The doors for the toilet rooms used by residents shall have a minimum door width of 30 inches.
- 6) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency ingress to the room.
- 7) Thresholds or parting strips in doorways used by residents shall be flush with the floor.
- 8) Doors and windows shall fit snugly and be weather tight, and shall open and close easily.

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- 9) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16-mesh screens. Screen doors shall be equipped with self-closing devices.

e) Floors

- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. (B)
- 2) Floors in bathrooms, kitchens, and utility rooms shall be completely covered with water resistant material. (B)

f) Walls and Ceilings

- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning.
- 2) Walls and ceilings shall be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin.

- g) Exit corridor walls shall be one hour fire rated construction. Adjoining open spaces shall not be greater than 600 square feet. Facilities shall provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system. (B)

- h) There shall be at least one approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building, extinguishers located so a person will not have to travel more than 50 feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (B)

- i) Approved containers with proper covers shall be provided for daily storage of rubbish. (B)

- j) Housekeeping throughout the building, including basements, attics, and unoccupied rooms, shall be adequately performed to minimize all fire hazards. (B)

- k) Facilities shall comply with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. (B)

- l) Facilities shall have no other business in the building which is unrelated to health care that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance. (A, B)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.3310 Complaint Procedures

- a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. (Section 2-1212 of the Act)
- b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. (Section 2-1212 of the Act)
- c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE DEPARTMENT. (Section 3-702(a) of the Act)
- d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)
- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT OR RESIDENT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)

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f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THAT COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITHIN 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "AN INVALID REPORT," "A VALID REPORT," OR "AN UNDETERMINED REPORT." "INVALID" OR "INVALID," FOR ANY COMPLAINT CLASSIFIED AS "A VALID REPORT," "VALID," THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THE ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)

g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)

h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS FINDINGS WITHIN TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OF DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; THE OR WARNING NOTICE, IF ANY; AND THE STATE LICENSURE FORM ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)

i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT THE CONSENT OF THE COMPLAINANT OR RESIDENT. (Section 3-702(f) of the Act)

j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER subsection (k) of this Section ~~SUBSECTION (4) OF THIS SECTION~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER subsection (k) of this Section ~~SUBSECTION (4) OF THIS SECTION~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (h) OF THIS SECTION. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER subsection (k) of this Section ~~SUBSECTION (4) OF THIS SECTION~~. (Section 3-702(g) of the Act)

k) Any person aggrieved by a decision of the Department rendered in a particular case which affects the legal rights, duties or privileges created under the Act may have such decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 350.4210 Day Care in Long-Term Care Facilities

a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.

b) In addition, the following criteria must also be met:

1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.

2) Space:

A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and

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Section 350.2670 or 350.2970 of this Part.

- B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents in accordance with Sections 350.2670 or 350.2970 of this Part.
- C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:
 - i) Facilities having more than one communal area (such as a lounge and sunporch) could designate one of these for rest areas;
 - ii) Non-occupied rooms (no one assigned to these rooms);
 - iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Section 350.2660 or 350.2960 of this Part.

3) Records:

- A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication or treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.
- B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)
- C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name, address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.

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- D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this Section.
- 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services.
- 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 350.160629 of this Part.
- 7) The facility should consider the following in developing and providing Day Care Programs:
 - A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);
 - E) Attendance record; and
 - F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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1) Heading of the Part:

Long-Term Care for Under Age 22 Facilities Code

2) Code Citation:

77 Ill. Adm. Code 390

3) Section Numbers:

390.140
390.150
390.330
390.640
390.1040
390.3000
390.3310
390.3510

Proposed Action:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments

4) Statutory Authority:

Nursing Home Care Act
Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The rules in Part 390 govern the licensure of long-term care facilities that provide skilled nursing and intermediate care. These proposed amendments include technical changes as well as addressing issues encountered by the Department in implementing the rules.

Section 390.140 - A misquotation of statutory language is being corrected. In addition, subsection (e) is being amended to delete the word "written" in regard to approval by the Department for the operator to begin operation of the facility prior to actual receipt of the license certificate.

Section 390.150 - These changes are the same as those being made in Section 390.140.

Section 390.330 - The definition of "Facility or Long-Term Care Facility" is being amended to reflect amendments to the Nursing Home Care Act made by Public Act 86-1244, effective January 1, 1991. In the definition of "Nursing Unit," the term "distinct part" is being changed to "designated area" to eliminate confusion with a distinct part as that term is defined in the rules. In addition, statutory citations are updated.

Section 390.640 - A misquotation of statutory language is being corrected, and statutory citations are being added.

Section 390.1040 - The Department is deleting the requirement that a facility must have less than 50 bed capacity in order to receive approval from the Department to have two nurses share the duties of the director of nursing. Because the conditions for approval as set forth in the rule are very specific, the Department believes that any facility that meets the conditions should receive approval for the shared position, regardless of the size of the facility. The Department is also changing the requirements concerning when a registered nurse must be on duty in a facility. Rather than being required to work the day shift, the registered nurse will be required to work 8 consecutive hours. By leaving the choice of the RN's shift to the facility the Department will enable the facility better to meet the needs of its residents. The Department is also deleting a redundant sentence in subsection (a). The word "surveyor" is also being changed to "Department" in subsection (f) because the actions described are not necessarily performed by the surveyor.

Section 390.3000 - The Department is amending this Section to clarify its policies governing the presence of other businesses in buildings containing existing long-term care facilities so that the requirements are consistent with those in Parts 300, 330 and 350, and with the requirements for new facilities in Section 390.2700.

Section 390.3310 - This Section is being amended to correct statutory language.

Section 390.3510 - An incorrect cross-reference is being corrected in subsection (b)(6).

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

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8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
390.120	Amendments	15 Ill. Adm. Code 4309
390.330	Amendments	15 Ill. Adm. Code 4309

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Long-Term Care Facilities for Under Age 22.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse License Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to Be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers

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390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

390.500	Administrator
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SUBPART C: POLICIES

390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

390.1010	Service Programs
390.1020	Medical Services
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

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SUBPART F: RESTRAINTS AND SAFETY DEVICES,
BEHAVIOR MANAGEMENT, AND BEHAVIOR EMERGENCIES390.1310
390.1320
390.1330Restraints and Safety Devices
Behavior Management
Behavior Emergencies

SUBPART G: MEDICATIONS

390.1410
390.1420
390.1430
390.1440
390.1450Medication Policies and Procedures
Conformance with Physician's Orders
Administration of Medication
Labeling and Storage of Medications
Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

390.1610
390.1620
390.1630
390.1640
390.1650
390.1660
390.1670
390.1680
390.1690Resident Record Requirements
Content of Medical Records
Confidentiality of Resident's Records
Records Pertaining to Residents' Property
Retention and Transfer of Resident Records
Other Resident Record Requirements
Staff Responsibility for Medical Records
Retention of Facility Records
Other Facility Record Requirements

SUBPART I: FOOD SERVICE

390.1810
390.1820
390.1830
390.1840
390.1850
390.1860
390.1870
390.1880
390.1890
390.1900
390.1910
390.1920Director of Food Services
Dietary Staff in Addition to Director of Food Services
Hygiene of Dietary Staff
Diet Orders
Adequacy of Diet and Meal Pattern
Infant and Therapeutic Diets
Scheduling Meals
Menu Planning
Food Preparation and Service
Preparation of Infant Formula
Food Handling Sanitation
Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

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390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

390.2910 Applicability
390.2920 Codes and Standards
390.2930 Preparation of Drawings and Specifications
390.2940 Site
390.2950 Administration and Public Areas
390.2960 Nursing Unit
390.2970 Play, Dining, Activity/Program Rooms

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390.2980 Treatment and Personal Care
390.2990 Service Department
390.3000 General Building Requirements
390.3010 Structural
390.3020 Mechanical Systems
390.3030 Plumbing Systems
390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

390.3210 General
390.3220 Medical and Personal Care Program
390.3230 Restraints
390.3240 Abuse and Neglect
390.3250 Communication and Visitation
390.3260 Resident's Funds
390.3270 Residents' Advisory Council
390.3280 Contract With Facility
390.3290 Private Right of Action
390.3300 Transfer or Discharge
390.3310 Complaint Procedures
390.3320 Confidentiality
390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

390.3510 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents

Under 22 Years of Age

APPENDIX B Forms for Day Care in Long-Term Care Facilities

TABLE A Infant Feeding
TABLE B Daily Nutritional Requirements By Age Group
TABLE C Sound Transmissions Limitations
TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
TABLE E Sprinkler Requirements
TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill.

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Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 15 Ill. Reg. _____, effective _____; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

Section 390.140

Issuance of an Initial License for a New Facility

a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
- 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT (Ill. Rev. Stat. 19897, ch. 111, pars. 3651 et seq.); AND
- 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

b) The Department will issue a probationary license for 120 days from the date of

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~~ISSUANCE. THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR 120 DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)~~

- c) ~~WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)~~
- e) ~~DURING THE 120 DAY PERIOD OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN 30 DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OF NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)~~
- d) ~~IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)~~
- f) ~~IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO 120 DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)~~
- e) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of ~~written~~ approval by the Department.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.150

Issuance of an Initial License Due to a Change of Ownership

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a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

- 1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS;
 - 2) THE FACILITY IS UNDER THE SUPERVISION OF AN ADMINISTRATOR WHO IS LICENSED UNDER THE NURSING HOME ADMINISTRATORS LICENSING AND DISCIPLINARY ACT; AND
 - 3) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)
- b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)
- c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act)
- d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO ANY PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTIONS 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)
- e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED

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AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF OWNERSHIP. (Section 3-114 of the Act)

- f) The Department will issue a probationary license for 120 days from the date of issuance. ~~THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR 120 DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)~~
- g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)
- h) ~~DURING THE 120 DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN 30 DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLEES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)~~
- i) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)
- j) ~~IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO 120 DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)~~
- k) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon

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receipt of ~~written~~ approval by the Department.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.330 Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLICTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 4151-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 3-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area

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or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 390.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR OR STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent

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and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the

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purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Child Care/Habilitation Aide - any person who provides nursing, personal or rehabilitative care to residents of licensed Long-Term Care Facilities for Persons Under 22 Years of Age, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render such care. Child Care/Habilitation aides must function under the supervision of a licensed nurse.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in this Part means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

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Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments; is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

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has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed

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by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of this Part.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in this Part is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE ~~THE COUNTY HOME ACT~~ (Ill. Rev. Stat. 1989, ch. 34, pars. 5-21001 and 5-22001, 34, par. 5361 et seq.) ~~AS NOW OR HEREAFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.) AS NOW OR HEREAFTER AMENDED; OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT~~

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INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) ~~AS NOW OR HEREFTER AMENDED;~~

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) ~~AS NOW OR HEREFTER AMENDED;~~ OR

ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4181 et seq.);

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 621 et seq.);

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY; OR ~~(Section 1-113 of the Act)~~

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-

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INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE AND CERTIFICATION ACT (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 1701 et seq.). (Section 1-113 of the Act)

Facility, Long-Term Care, for Residents Under 22 Years of Age - when used in these standards is synonymous with a long-term care facility for residents under 22 years of age, which facility provides total habilitative health care to residents who require specialized treatment, training and continuous nursing care because of medical or developmental disabilities.

Facility, Sheltered Care - when used in this Part is synonymous with a sheltered care facility, which facility provides maintenance, and personal care and oversight.

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) AS NOW OR HEREFTER AMENDED. (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services,

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residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986 as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to Division 5-22 of the Counties Code "AN ACT in relation to homes for the aged" as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 34, par. 5-22001.3564 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a), as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for The Developmentally Disabled (ICF/DD's) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home

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Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1989, ch. 111, par. 3651 et seq.), as now or hereafter amended.

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life Care Contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure to return valuables after a resident's discharge; or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, and wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the

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State regulations, and who reports periodically to the Department on the operations of the facility.

Multidisciplinary - see Interdisciplinary Team.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area ~~distinct part~~ of a facility consisting of all the beds within the designated area ~~distinct part~~, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

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Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS

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PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED.
(Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.).

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111 par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field

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(such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria, and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.).

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint - any physical, mechanical, or chemical means, or the use thereof, that

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restricts movement of the limbs, head, or body of a resident, except when used as a safety device or as part of a medically prescribed procedure for the treatment of an existing physical disorder or the amelioration of a physical or emotional handicap.

Mechanical restraint is any mechanical device, or use thereof, that so restricts movement.

Physical restraint is the use of personal human force that so restricts movement.

Chemical restraint is the use of any chemical that so restricts movement.

Mechanical supports used to achieve proper body position and balance are not restraints. The partial or total immobilization of a resident for the purpose of performing a medical/surgical procedure is not restraint.

Restriction - the placement of a limitation on a resident's rights, which includes the use of restraints, confinement, aversive stimuli, and time out exceeding 15 minutes at any one time.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

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is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.); and

is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and
has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION: OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT.
(Section 1-125.1 of the Act)

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Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.280(q)(8), 390.280(k)(2) and 390.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 390.180(b)(1) and 390.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or activity. Unless otherwise stated in this Part, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREFTER AMENDED. (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

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TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.640

Contract Between Resident and Facility

a) Contract Execution

1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

- A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR
- B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE PROBATE ACT OF 1975, AS NOW OR HEREFTER AMENDED; OR
- C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON"

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WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

- 3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)
- 4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

- 5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of, the person, within ten days of the effective date of this Part these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

- b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."
- c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN

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SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

- d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

- e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

- f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

- g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.

- h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

- i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

- j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

- k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)

- l) Services Provided and Charges

- 1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)

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- 2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

- 1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (l) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is executed then such additional cost shall be specified in the contract.

- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

o) Deposit Provisions

- 1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)
- 2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS

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OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-211 OF THE ACT. (Section 2-202(g)(6) of the Act)

- q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act)

- r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

- s) After July 1, 1982, all facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, nursing services, medical services or personal care services, in addition to maintenance services, for a term in excess of one year or for life pursuant to a life care contract, shall meet all the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 1982, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the

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Life Care Facilities Act

- i) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985, SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID ELIGIBILITY;
- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)

- u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.1040 Nursing Services

- a) The facility shall have a written program of Nursing Services, providing for a planned medical program, encompassing nursing treatments, rehabilitation and habilitation nursing, skilled observations, and ongoing evaluation and coordination of the resident's individual habilitation plan.
- b) There shall be a sufficient number of nursing and auxiliary personnel on duty 24 hours each day to provide adequate and properly supervised nursing services to meet the nursing needs of the residents. There shall be at least one registered nurse seven days a week on the day shift. There shall be at least one registered nurse or licensed

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practical nurse on duty at all times and on each floor housing residents. Nursing staff personnel shall include registered professional nurses, licensed practical nurses, and auxiliary personnel as defined in Section 390.330 of this Part. (A, B)

- c) Director of Nursing Service. There shall be a director of nursing who shall be a registered nurse. (B)
- d) The director of nursing shall have knowledge and training in nursing service administration, restorative and habilitative nursing. (B)
- e) The director of nursing shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. At least 50 percent of this person's hours shall be regularly scheduled between 7 A.M. and 7 P.M. (B)
 - 1) A facility of less than 50-bed capacity may, with written approval from the Department, have two registered nurses share the duties of this position if it is unable to obtain a full-time person. Such an arrangement will be granted approval only through written documentation that the facility was unable to obtain the full-time services of a qualified individual to fill this position. Such documentation shall include, but not be limited to: an advertisement that has appeared in a newspaper of general circulation in the area for at least three weeks; the names, addresses and phone numbers of all persons who applied for the position and the reasons why they were not acceptable or would not work full-time; and information about the number and availability of registered nurses in the area. The Department will grant approval only when such documentation indicates that there were no qualified applicants who were willing to accept the job on a full-time basis, and the pool of registered nurses available in the area cannot be expected to produce, in the near future, a qualified person who is willing to work full-time. If two persons are to share the position, one shall be designated the Director of Nursing Services and the other shall be designated the Assistant Director of Nursing Services. Both of these persons shall be R.N.'s.
 - 2) In facilities with a capacity of less than 50 beds, this person (or these persons), may also provide direct patient care, and this person's time may be included in meeting the staff/resident ratio requirements.
 - f) In facilities of 100 occupied beds or more, there shall be an assistant director of nursing who is a registered nurse licensed to practice in Illinois. The assistant must meet the qualifications specified in subsection (d) of this Section. (B)
 - g) The assistant director of nursing shall be a full-time employee who is on duty a minimum of 36 hours, four days per week. The assistant need not work on the day

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shift but may be assigned to any shift. (B)

h) The assistant director of nursing shall assist the director in carrying out her responsibilities. (B)

i) The responsibilities of the director of nursing shall include, at a minimum, the following: (B)

1) Assigning and directing the activities of nursing and auxiliary service personnel.

2) Planning an up-to-date resident care plan for each resident in cooperation with the interdisciplinary team based on individual needs and goals to be accomplished, physician's orders, and personal care and nursing needs. Services such as nursing, developmental, activities, dietary, and such other modalities as are ordered by the physician, shall be reflected in the preparation of the resident care plan. The plan shall be in writing and shall be reviewed and modified in keeping with the care needed as indicated by the resident's condition. The plan shall be reviewed every three months.

3) Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

4) Participating in planning and budgeting for nursing services including purchasing of necessary equipment and supplies.

5) Developing and maintaining nursing service objectives, standards of nursing practice, written policies and procedures, and written job descriptions for each level of nursing and auxiliary personnel.

6) Coordinating health services and nursing services with other resident care services such as medical, pharmaceutical, dietary activities, and any other restorative and rehabilitative services offered.

7) Planning of inservice education, embracing orientation, skill training, and ongoing education for all nursing personnel covering all aspects of resident care and programming. The educational program shall include training and practice in activities and restorative and rehabilitative nursing techniques through out-of-facility or in-facility training programs. The director of nursing may conduct these programs personally or see to it that they are carried out.

8) Participating in the development and implementation of resident care policies

and bringing resident care problems, requiring changes in policy, to the attention of the facility's policy development group. (See Section 390.610(a))

9) Participating in the screening of prospective residents and their placement in terms of services they need and nursing competencies available.

j) Nursing, Personal, Habilitative and Rehabilitative Care. Nursing care (including personal, habilitative and rehabilitative care measures) shall be practiced on a 24 hour, seven day a week basis in the care of residents. Those procedures requiring medical approval shall be ordered by the attending physician. (B)

k) Nursing care shall include at a minimum the following:

1) All medications including oral, rectal, hypodermic, and intra-muscular shall be properly administered. (A, B)

2) All treatment such as: enemas, irrigations, catheterizations, applications of dressing or bandages, supervision of special diets, restorative and habilitative measures in Section 390.1620(a)(11) and other treatments involving a like level of skill, shall be properly administered. (A, B)

3) All objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical, nursing or psychosocial evaluation and treatment shall be provided. (B)

l) Each resident shall have his temperature taken daily unless otherwise ordered by the physician. If the temperature varies two degrees from the normal for the resident, the physician shall be notified. (B)

m) Skin care shall be given to prevent pressure sores, heat rashes or other skin breakdown. Each resident with pressure sores, heat rashes or other skin breakdown shall be checked at least every two hours and given care as needed including clothing and diaper change. Skin care shall be given with each diaper change. (B)

n) Skin care should be provided as follows: (B)

1) Bathing, clean linens, diapers, and clothing each time the bed or clothing is soiled. Rubber, plastic, or other types of linen protectors (newspapers not acceptable) shall be properly cleaned and completely covered to prevent direct contact with the resident. If rubber, plastic, or other type of waterproof materials are used for protective pants, they shall not come in direct contact with the resident. Special attention shall be given to the skin to prevent

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- irritations, skin rashes, or ulcerations. (B)
- 2) Assistance in being up and out of bed as much as the condition of the resident permits. The resident may be denied this assistance only upon the written order of his physician. If the resident cannot move himself, he shall have his position changed every two hours or more as necessary.
- o) All necessary precautions shall be taken to assure the safety of residents at all times, such as: nonslip wax on floors, side rails on beds, safe equipment and assistive devices properly maintained, and proper use of safety devices. See Section 390.2020(a)(2) (A, B)
- p) Each resident shall perform all of the following personal care functions independently if possible. If unable to do so, assistance shall be provided by staff. (B)
- 1) Each resident shall bathe as often as necessary, but at least daily.
 - 2) Each resident shall change clothing as often as necessary, but at least daily.
 - 3) Each resident shall shampoo as often as necessary, but at least weekly.
 - 4) Each resident shall clean and trim fingernails and toenails as often as necessary but at least weekly.
 - 5) Each resident shall perform oral hygiene as often as necessary, but at least daily.
 - 6) Each female resident shall be provided with commercial sanitary napkins during menses. Frequent cleansing of the perineal area shall be performed.
- q) Haircuts shall be provided as needed. Socially acceptable hair styles and the wishes of the resident must be taken into consideration. (B)
- r) Each resident shall dress in street clothing and be out of bed at all times other than regularly scheduled sleeping or napping hours, unless contraindicated. (B)
- s) Adaptive equipment shall be provided to ensure the safety of the resident (such as seat belts, helmets, mitts, and special padding). (B)
- t) Each resident shall be weighed upon admission and at least once a week thereafter unless otherwise ordered in writing by the physician. Any significant change shall be reported to the attending physician and dietitian. (B)

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- u) Each resident shall be encouraged and, if necessary, assisted in maintaining good body alignment while lying in bed, sitting or standing, through proper positioning and turning. (B)
- v) Each resident shall be assisted in maintaining maximum joint range of motion, and active range of motion through proper exercises. (B)
- w) Each resident shall be trained and encouraged to adopt food habits as near as possible to normal. Residents shall receive solids, unless otherwise ordered in writing by the physician. Each resident shall eat in an as upright position as possible and out of bed unless contraindicated. (B)
- x) Each incontinent resident shall be assisted in regaining bowel and bladder patterns through proper bowel and bladder training or retraining. The use of indwelling catheters shall be discouraged. (B)
- y) All residents shall be encouraged and, when necessary, taught to function at their maximum level in all activities of daily living for as long as and to the degree that they are able. (B)
- z) All residents shall be assisted and encouraged with daily ambulation unless otherwise ordered by the physician. (B)
- aa) All residents shall be taught and assisted with safe transfer activities in an effort to help them retain, regain, or gain their maximum level of independence. (B)
- bb) Staffing. Staffing shall be based on the needs of the residents, and shall be determined by figuring the number of hours of personal and habilitative time each resident needs on each shift of the day. This determination shall be made separately for both licensed nursing personnel and other personal and habilitative care personnel. Personal and habilitative personnel may include, in addition to licensed nurses, such persons as aides, orderlies, therapists, teachers, and any other person providing direct habilitative care to residents. (A, B)
- 1) In a facility whose residents participate in regularly scheduled therapeutic programs outside the facility, such as school or sheltered workshops, the minimum hours of care that must be provided are reduced proportionately.
 - 2) It is the responsibility of each facility to determine the staffing needed to meet the needs of its residents. It is the responsibility of the Department to verify that the staffing provided by the facility is sufficient to meet the needs of the residents.

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- 3) The following figures apply to hours of care actually provided and not to hours of care scheduled to be provided.
- 4) Each resident shall be provided with a minimum of four hours of personal and habilitative care each day. The director of nursing shall not be included in hours of personal and habilitative care provided.
- 5) The facility shall schedule personnel in such a manner that the needs of all residents are met. At least 30 percent of the minimum required hours shall be on the day shift, at least 30 percent of the minimum required hours shall be on the evening shift, and at least ten percent of the minimum required hours shall be on the night shift. The total percentage must add up to 100 percent each day. At least 12.5 percent of the hours of care provided on each shift must be by licensed nursing personnel. Licensed nursing personnel may be used to replace other personal and habilitative care staff if the needs of the residents are met by such staffing.

6) Staffing Calculations

- A) When computing the number of staff hours needed per shift, any figure less than .25 will be dropped from the computation and any figure of .75 or higher will go to the next higher number. Figures in between .25 and .75 will require at least the amount of coverage indicated: .25 will require two hours of coverage; .3 will require two and one half hours of coverage; .5 will require four hours of coverage; .6 will require five hours of coverage; .74 will require six hours of coverage; .75 or higher will require eight hours of coverage.

- B) These hours may be provided by: a part-time person working those hours only on that shift each day; a full-time person working a shift that spans two regular shifts (such as from 12 noon to 8 P.M.); or by an additional full-time person on the shift. However, these figures are minimal staffing requirements, and it is recommended that a full-time person be provided.

cc) Additional requirements. In addition to the other requirements of this Section, the following also apply:

- 1) There shall be a licensed nurse designated as being in charge of nursing services on all shifts when neither the director of nursing or assistant director of nursing are on duty. If registered nurses and licensed practical nurses are on duty on the same shift, this person shall be a registered nurse. This person may be a charge nurse on one of the nursing units. ~~The director of nursing or~~

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~~assistant director of nursing will, of course, be in charge of nursing services during those shifts when they are on duty. (A, B)~~

- 2) There shall be at least one person awake, dressed and on duty at all times in each separate nursing unit. (A, B)
- 3) There shall be at least one registered nurse on duty seven days per week .8 consecutive hours on the day shift. (A, B)
- 4) There shall be at least one registered nurse or licensed practical nurse on duty at all times. (A, B)
- 5) There shall be at least one registered nurse or licensed practical nurse on duty on each floor housing residents. (A, B)
- 6) The need for licensed nurses on each nursing unit will be determined on an individual case basis, dependent upon the individual situation. If such additional staffing is required, the ~~Department supervisor~~ will inform the facility in writing of the kind and amount of additional staff time required, and the reason why it is needed.
- 7) The need for an additional licensed nurse to serve as a "house supervisor" will be determined on an individual case basis. If the ~~Department supervisor~~ determines that there is a need for a registered nurse on certain shifts whose sole duties will consist of supervising the nursing services of the facility, the ~~Department supervisor~~ shall notify the facility in writing when and why such a person is needed. This person shall not perform the duties of a charge nurse while serving as the "house supervisor".

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.3000 General Building Requirements

a) Elevators

- 1) Provide a minimum of one elevator in all buildings of three or more stories in height. Additional elevators shall be provided as determined by the Department, based on the number, population, and condition of the residents. The lowest level, if it is used by residents, shall be considered as one story.
- 2) If 60 to 200 beds, cribs and bassinets are located above the second floor, at least one additional elevator shall be provided. If over 200 beds, cribs and bassinets are located above the second floor, the number of additional elevators

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shall be determined by the Department.

- 3) The administrator of the facility must be able to demonstrate to the Department the ability to transfer a resident according to physician's orders using existing elevators and elevator doors.

b) Handrails and Grab Bars

- 1) Handrails shall be provided on both sides of all corridors, stairs, and ramps. Handrails shall be one and one-half inches in diameter and one and one-half inches minimum clear of the wall. Refer to the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) for other acceptable handrail dimensions and details. (B)
- 2) Grab bars shall be provided at all resident toilets, showers, tubs, and sitz bath. Refer to the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400) for grab bar dimensions and details. (B)
- 3) Handrails and grab bars shall be installed at a height to meet the special needs of the residents of each facility. (B)

c) Ceiling Heights

- 1) All rooms occupied by or used by residents shall have not less than eight feet ceiling height.
- 2) Corridors, storage rooms, toilet rooms and other minor rooms shall have not less than seven feet eight inches ceiling height.
- 3) Suspended tracks, rails and pipes located in the path of traffic shall not be less than six feet eight inches above the floor.

d) Doors and Windows

- 1) Main entrance and exit doors shall swing outward and be provided with door closers and panic-hardware. (B)
- 2) Door Alarm System. (See Section 390.3040(f))
- 3) Locks installed on resident bedroom doors shall be so arranged that they can be quickly and easily unlocked from the corridor side. All such locks shall be arranged to permit exit from the room by a simple operation without the use of

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a key. The door may be lockable by the occupant if the door can be unlocked from the corridor side and the keys are carried by the attendants at all times. (B)

- 4) The doors for the toilet rooms used by residents shall have a minimum door width of 30 inches. (B)
- 5) No toilet or bathroom door shall be provided with hardware which could allow a resident to become locked in the room. All toilet or bathroom doors and hardware shall be designed to permit emergency egress from the room. (B)
- 6) Thresholds or parting strips in doorways used by residents shall be in accordance with the rules of the Capital Development Board entitled "Illinois Accessibility Code" (71 Ill. Adm. Code 400).
- 7) Doors and windows shall fit snugly and be weather tight, and shall open and close easily.
- 8) Outside doors, other than required exits, and operable windows shall be equipped with tight-fitting, 16 mesh screens. Screen doors shall be equipped with self-closing devices.

e) Floors

- 1) Floors shall be smooth, free from cracks and finished so that they can be easily and properly cleaned. (B)
- 2) Floors in bathrooms, kitchens, and utility rooms shall be completely covered with water resistant material. (B)

f) Walls and Ceilings

- 1) Walls and ceilings shall have sound construction, covered with plaster or sheet rock or similar material in good repair, and free from cracks or holes to permit proper cleaning.
- 2) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other vermin.
- g) Exit corridor walls shall be one hour fire rated construction. Adjoining open spaces shall not be greater than 600 square feet. Provide direct visual supervision of these open spaces and equip them with an electrically supervised smoke detection system. (B)

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- h) There shall be at least one approved fire extinguisher in all basements, furnace rooms, and kitchens. In addition, there shall be on each floor of the building extinguishers located so a person will not have to travel more than 50 feet from any point to reach one. They shall be inspected annually and recharged when necessary. The date of checking and recharging shall be recorded on a tag attached to the extinguisher. (B)
- i) Approved containers with proper covers shall be provided for daily storage of rubbish. (B)
- j) Housekeeping throughout the building, including basements, attics, and unoccupied rooms, shall be adequately performed to minimize all fire hazards. (B)
- k) Comply with any reasonable additional fire protection measures recommended by the Department over and above these requirements or the Office of the State Fire Marshal if conditions in and around building, including its location, indicate that such additional protection is needed. (B)
- l) Facilities shall have no other business not in the building which is unrelated to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance and must be approved by the Department. Such approval will be granted only when it can be shown that the business will not interfere in any way with the residents. (A, B)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.3310 Complaint Procedures

- a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. (Section 2-1212 of the Act)
- b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. (Section 2-1212 of the Act)
- c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE

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- d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED IN WRITING TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)
- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINANT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)
- f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THAT COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITHIN 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "AN INVALID REPORT," "A VALID REPORT," OR "AN UNDETERMINED REPORT." ~~"INVALID" OR "INVALID"~~ FOR ANY COMPLAINT CLASSIFIED AS "A VALID REPORT." ~~"VALID"~~ THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THE ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)
- g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)

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h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS FINDINGS WITHIN TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OR DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; THE OR WARNING NOTICE, IF ANY; AND THE STATE LICENSURE FORM ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)

i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT HIS CONSENT. (Section 3-702(f) of the Act)

j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER subsection (k) of this Section ~~SUBSECTION (4) OF THIS SECTION~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER subsection (k) of this Section ~~SUBSECTION (4) OF THIS SECTION~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (b) OF THIS SECTION. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER subsection (k) of this Section ~~SUBSECTION (4) OF THIS SECTION~~. (Section 3-702(g) of the Act)

k) Any person aggrieved by a decision of the Department rendered in a particular case which affects the legal rights, duties or privileges created under the Act may have such decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department

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shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 390.3510 Day Care in Long-Term Care Facilities

a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.

b) In addition, the following criteria must also be met:

1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.

2) Space:

A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Sections 390.2670 or 390.2970 of this Part.

B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents in accordance with Sections 390.2670 or 390.2970 of this Part.

C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:

i) Facilities having more than one communal area (such as a lounge and sunporch) could designate one of these for rest areas;

i) Non-occupied rooms (no one assigned to these rooms);

iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 390.2660 or 390.2960 of this Part.

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3) Records:

A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication and treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities with any contraindications or limitations.

B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)

C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.

D) Incident Report - in case of medication error or accident of any kind.

4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this Section.

5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services.

6) The maximum number of "Day Care" residents served shall be reported with the application under Section 390.160629 of this Part.

7) The facility should consider the following in developing and providing Day Care Programs:

A) Use of house or advisory physician for emergencies;

B) Insurance coverage;

C) Signed agreement with family or responsible individual;

D) Permission to be involved in activities outside of the facility (in the

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community);

E) Attendance record; and

F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

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Sheltered Care Facilities Code

77 Ill. Adm. Code 330

Proposed Action:

330.140

330.330

330. 1970
330. 3630

330.4510

Nursing Home Care Act

Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, par. 4151-101 et seq.

The rules in Part 330 govern the licensure of long-term care facilities that provide sheltered care. These proposed amendments include technical changes as well as addressing issues encountered by the Department in implementing the rules.

Section 330.110 – The Department is amending the rule to clarify and expand its policies concerning licensure for more than one level of care and licensure of distinct parts of long-term care facilities. Subsection 300.110(h) will allow facilities to designate areas of the facility that will be licensed at different levels, provided that the conditions set forth in the rule are met. This change will allow greater flexibility in meeting the needs of residents. Distinct parts of the facility, as defined in Section 330.330, are required for licensure as Intermediate Care for the Developmentally Disabled or Long-Term Care for Under Age 22. Statutory citations are also being updated.

Section 330.140 - A misquotation of statutory language is being corrected. In addition, subsection (e) is being amended to delete the word "written" in regard to approval by the Department for the operator to begin operation of the facility prior to actual receipt of the license certificate.

Section 330.330 - The definition of "Facility or Long-Term Care Facility" is being amended to reflect amendments to the Nursing Home Care Act made by Public Act 86-1244, effective January 1, 1991. In the definition of "Nursing Unit", the term "distinct part" is being changed to "designated area" to eliminate confusion with a distinct part as that term is defined in the rules. In addition, statutory citations are updated.

Section 330.730 - A misquotation of statutory language is being corrected, and statutory citations are being added.

Section 330.1220 - The Department is deleting the requirement that a facility must have less than 50 bed capacity in order to receive approval from the Department to have two nurses share the duties of the director of nursing. Because the conditions for approval as set forth in the rule are very specific, the Department believes that any facility that meets the conditions should receive approval for the shared position, regardless of the size of the facility.

Section 330.1240 - The Department is changing the requirements concerning when a registered nurse must be on duty in a facility. Rather than being required to work the day shift, the registered nurse will be required to work 8 consecutive hours. By leaving the choice of the RN's shift to the facility, the Department will enable the facility better to meet the needs of its residents.

Section 330.1970 - This Section is being amended to require that snacks be offered between meals when there are more than four hours between meals. The existing rule allows the facility to offer either between-meal or bedtime snacks.

Section 330.3620 - The Department is amending this Section to clarify its policies governing the presence of other businesses in buildings containing existing long-term care facilities so that the requirements are consistent with those in Parts 300, 350 and 390 and with the requirements for new construction in Section 330.3060.

Section 330.4310 - This Section is being amended to correct statutory language.

Section 330.4510 - An Incorrect cross-reference is being corrected in subsection (b)(6).

Section 330-Appendix B - This appendix is being repealed because the Department's requirements for distinct parts are set forth in Section 330.110.

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The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after the publication of this notice in the Illinois Register.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

7) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date: _____

8) Does this Rulemaking Contain Any Incorporations By Reference?

Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

9) Are there any other Proposed Amendments Pending on this Part?

Yes ☒ No ☐

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
330.120	Amendments	15 Ill. Reg. 4338
330.330	Amendments	15 Ill. Reg. 4338

10) Statement of Statewide Policy Objectives:

This rulemaking neither creates nor expands a State Mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

Sheltered Care Facilities

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None.

D) Types of Professional Skills Necessary for Compliance:

None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77 PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330
SHELTERED CARE FACILITIES CODE
SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	License
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse License Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to Be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitor and Receivership
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs in Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed

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330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION
Administrator

SUBPART C: POLICIES

330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

330.910	Personnel
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

330.1110	Medical Care Policies
330.1120	Personal Care
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies

SUBPART F: RESTORATIVE SERVICES

330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

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SUBPART G: MEDICATIONS

330.1510 Medication Policies
330.1520 Administration of Medication
330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

330.1710 Resident Record Requirements
330.1720 Content of Medical Records
330.1730 Records Pertaining to Residents' Property
330.1740 Retention and Transfer of Resident Records
330.1750 Other Resident Record Requirements
330.1760 Retention of Facility Records
330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

330.1910 Director of Food Services
330.1920 Dietary Staff in Addition to Director of Food Services
330.1930 Hygiene of Dietary Staff
330.1940 Diet Orders
330.1950 Adequacy of Diet and Meal Pattern
330.1960 Therapeutic Diets
330.1970 Scheduling of Meals
330.1980 Menu Planning
330.1990 Food Preparation and Service
330.2000 Food Handling Sanitation
330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

330.2210 Maintenance
330.2220 Housekeeping
330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

330.2410 Furnishings
330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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330.2610 Codes
330.2620 Water Supply
330.2630 Sewage Disposal
330.2640 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.2810 Applicable Requirements (Repealed)
330.2820 Applicability of These Standards
330.2830 Submission of a Program Narrative
330.2840 New Constructions, Additions, Conversions, and Alterations
330.2850 Preparation and Submission of Drawings and Specifications
330.2860 First Stage Drawings
330.2870 Second Stage Drawings
330.2880 Architectural Drawings
330.2890 Structural Drawings
330.3000 Mechanical Drawings
330.3010 Electrical Drawings
330.3020 Additions to Existing Structures
330.3030 Specifications
330.3040 Building Codes
330.3050 Site
330.3060 General Building Requirements
330.3070 Administration
330.3080 Corridors
330.3090 Bath and Toilet Rooms
330.3100 Living, Dining, Activity Rooms
330.3110 Bedrooms
330.3120 Special Care Room
330.3130 Kitchen
330.3140 Laundry
330.3150 Housekeeping, Service, and Storage
330.3160 Plumbing
330.3170 Heating
330.3180 Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

330.3310 Applicable Requirements (Repealed)
330.3320 Applicability of These Standards
330.3330 Fire Protection

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330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING
SHELTERED CARE FACILITIES

330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING SHELTERED CARE
FACILITIES

330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

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SUBPART Q: RESIDENT'S RIGHTS

330.4210	General
330.4220	Medical and Personal Care Program
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330.4240	Abuse and Neglect
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SUBPART R: DAY CARE PROGRAMS

330.4510	Day Care in Long-Term Care Facilities
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APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities

APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)

APPENDIX C Forms for Day Care in Long-Term Care Facilities

APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation

TABLE A Disaster Preparedness Parameters--Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, pars. 4151-101 et seq., as amended by Public Act 86-1198, effective October 1, 1990).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days;

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emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 9; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 15 Ill. Reg. _____, effective _____.

NOTE: Italics and capitalization denote statutory language.

SUBPART A: GENERAL PROVISIONS

Section 330.110 General Requirements

a) Applicability

1) This Part applies to the operator/licensee of facilities, or distinct part therein, that are to be licensed and classified to provide sheltered care.

2) Any license issued and in effect prior to March 1, 1980 pursuant to the Nursing Homes, Sheltered Care Homes, and Homes For the Aged Act (Ill. Rev. Stat. 1977, ch. 111 1/2, pars. 35.16 et seq.) shall remain valid and subject to the terms and conditions of the Nursing Home Care Act (the Act) (Ill. Rev. Stat. 19897, ch. 111 1/2, par. 4151-101 et seq., ~~as amended by Public Act 85-968, effective December 9, 1987; Public Act 85-1183, effective August 13, 1988; and Public Act 85-1278, effective September 1, 1988~~) and all regulations promulgated thereunder until the expiration date shown on the face of such license.

b) The license issued to each operator/licensee shall designate the licensee's name, facility name, address, the classification by level of service authorized for that facility, the number of beds authorized for each level, the date the license was issued and the expiration date. Such licenses shall be issued for a period of NOT LESS THAN SIX MONTHS NOR MORE THAN 18 MONTHS. The Department will set the period of the license based on the license expiration dates of the facilities in the geographical area surrounding the facility IN ORDER TO DISTRIBUTE THE EXPIRATION DATES as evenly as possible THROUGHOUT THE CALENDAR YEAR. (Section 3-110 of the Act)

c) An applicant may request that the license issued by the Department of Public Health (the Department) have distinct parts classified according to levels of services. The distinct part must satisfactorily meet the applicable physical plant standards based on a level of service classification sought for that distinct part. If necessary to protect the health, welfare and safety of residents in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in any distinct part, to achieve this protection as required by the highest level of care being licensed. Administrative, supervisory, and other personnel may be shared by the entire

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facility, if so doing does not adversely affect meeting the total needs of the residents of the facility.

d) THE OPERATOR MAY NOT ADMIT RESIDENTS IN EXCESS OF THE LICENSED CAPACITY OF THE FACILITY. (Section 2-209 of the Act) (B)

e) A sheltered care facility licensed and classified under the Act shall not use in its title or description "Hospital", "Sanitarium", "Sanatorium", "Rehabilitation Center", "Skilled Nursing Facility", or any other word or description in its title or advertisements which indicates that a type of service is provided by the facility which the facility is not licensed to provide or in fact, does not provide.

f) Any person constructing or modifying a long-term care facility or portion thereof without obtaining the required permit from the Health Facilities Planning Board shall not be eligible to apply for licensure for that facility or portion thereof (Section 13.1 of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 19897, ch. 111 1/2, par. 1163.1)).

g) THE LICENSEE SHALL GIVE 90 DAYS NOTICE PRIOR TO VOLUNTARILY CLOSING A FACILITY OR CLOSING ANY PART OF A FACILITY, OR PRIOR TO CLOSING ANY PART OF A FACILITY IF CLOSING SUCH PART WILL REQUIRE THE TRANSFER OR DISCHARGE OF MORE THAN TEN PERCENT OF THE RESIDENTS. SUCH NOTICE SHALL BE GIVEN TO THE DEPARTMENT, TO ANY RESIDENTS WHO MUST BE TRANSFERRED OR DISCHARGED, TO THE RESIDENT'S REPRESENTATIVE, AND TO A MEMBER OF THE RESIDENT'S FAMILY, WHERE PRACTICABLE. NOTICE SHALL STATE THE PROPOSED DATE OF CLOSING AND THE REASON FOR CLOSING. THE LICENSEE SHALL OFFER TO ASSIST THE RESIDENT IN SECURING AN ALTERNATIVE PLACEMENT AND SHALL ADVISE THE RESIDENT ON AVAILABLE ALTERNATIVES. WHERE THE RESIDENT IS UNABLE TO CHOOSE AN ALTERNATE PLACEMENT AND IS NOT UNDER GUARDIANSHIP, THE DEPARTMENT SHALL BE NOTIFIED OF THE NEED FOR RELOCATION ASSISTANCE. THE FACILITY SHALL COMPLY WITH ALL APPLICABLE LAWS AND REGULATIONS UNTIL THE DATE OF CLOSING, INCLUDING THOSE RELATED TO TRANSFER OR DISCHARGE OF RESIDENTS. THE DEPARTMENT MAY PLACE A RELOCATION TEAM IN THE FACILITY AS PROVIDED UNDER THE ACT. (Section 3-423 of the Act) (A, B)

h) Licensure for more than one level of care

1) A facility may be licensed for more than one level of care. The licensee must designate the level of care that will be provided in each bedroom. Bedrooms of like licensed level of care must be contiguous to each other within each "nursing

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unit" as defined in Section 330.330. Each nursing unit may have up to two levels of care and must meet the construction standards for the highest licensed level of care in the nursing unit.

- 2) If a licensee wishes to designate a portion of its licensed beds as either Intermediate Care for the Developmentally Disabled or Long-Term Care for Under Age 22, the licensed beds must be located in a distinct part (as defined in Section 330.330) of the facility.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.140 Issuance of an Initial License For a New Facility

- a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE AND INSPECTION OF THE APPLICANT FACILITY, THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS; AND

2) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND THIS PART. (Section 3-109 of the Act)

- b) The Department will issue a probationary license for 120 days from the date of issuance. ~~THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR 120 DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)~~

c) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSURE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)

e) ~~DURING THE 120 DAY PERIOD OF THE PROBATIONARY LICENSE, THE~~

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~~DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN 30 DAYS OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLETES AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARDS COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)~~

d) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSURE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS, THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)

e) ~~IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO 120 DAYS MAY BE ISSUED. UNDER NO CONDITION MAY MORE THAN TWO SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)~~

c) Prior to actual receipt by the operator of the license certificate, the operator may begin operation upon receipt of ~~written~~ approval by the Department.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.150 Issuance of an Initial License Due to a Change of Ownership

a) UPON RECEIPT AND REVIEW OF AN APPLICATION FOR A LICENSE THE DIRECTOR SHALL ISSUE A PROBATIONARY LICENSE IF HE FINDS:

1) THE APPLICANT IS A PERSON RESPONSIBLE AND SUITABLE TO OPERATE OR TO DIRECT OR TO PARTICIPATE IN THE OPERATION OF A FACILITY BY VIRTUE OF FINANCIAL CAPACITY, APPROPRIATE BUSINESS OR PROFESSIONAL EXPERIENCE, A RECORD OF COMPLIANCE WITH LAWFUL ORDERS OF THE DEPARTMENT AND LACK OF REVOCATION OF A LICENSE DURING THE PREVIOUS FIVE YEARS; AND

2) THE FACILITY IS IN SUBSTANTIAL COMPLIANCE WITH THE ACT AND

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THIS PART. (Section 3-109 of the Act)

b) WHENEVER OWNERSHIP OF A FACILITY IS TRANSFERRED FROM THE PERSON NAMED IN A LICENSE TO ANY OTHER PERSON, THE TRANSFEREE MUST OBTAIN A NEW PROBATIONARY LICENSE. THE TRANSFEREE SHALL NOTIFY THE DEPARTMENT OF THE TRANSFER AND APPLY FOR A NEW LICENSE AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. (Section 3-112 of the Act)

c) THE TRANSFEROR SHALL NOTIFY THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO FINAL TRANSFER. THE TRANSFEROR SHALL REMAIN RESPONSIBLE FOR THE OPERATION OF THE FACILITY UNTIL SUCH TIME AS THE LICENSE IS ISSUED TO THE NEW TRANSFEREE. (Section 3-112 of the Act)

d) THE LICENSE GRANTED TO THE TRANSFEREE SHALL BE SUBJECT TO A PLAN OF CORRECTION SUBMITTED BY THE PREVIOUS OWNER AND APPROVED BY THE DEPARTMENT AND ANY CONDITIONS CONTAINED IN A CONDITIONAL LICENSE ISSUED TO THE PREVIOUS OWNER. IF THERE ARE OUTSTANDING VIOLATIONS AND NO PLAN OF CORRECTION HAS BEEN SUBMITTED BY THE FACILITY AND APPROVED BY THE DEPARTMENT, THE DEPARTMENT MAY ISSUE A CONDITIONAL LICENSE AND PLAN OF CORRECTION AS PROVIDED IN SECTION 3-311 THROUGH 3-317 OF THE ACT IN PLACE OF A PROBATIONARY LICENSE. (Section 3-113 of the Act)

e) THE TRANSFEROR SHALL REMAIN LIABLE FOR ALL PENALTIES ASSESSED AGAINST THE FACILITY WHICH ARE IMPOSED FOR VIOLATIONS OCCURRING PRIOR TO TRANSFER OF OWNERSHIP. (Section 3-114 of the Act)

f) The Department will issue a probationary license for 120 days from the date of issuance. ~~THE DEPARTMENT WILL ISSUE A PROBATIONARY LICENSE FOR 120 DAYS FROM DATE OF ISSUANCE. (Section 3-116 of the Act)~~

g) WITHIN 30 DAYS PRIOR TO THE TERMINATION OF A PROBATIONARY LICENSE, THE DEPARTMENT SHALL FULLY AND COMPLETELY INSPECT THE FACILITY AND, IF THE FACILITY MEETS THE APPLICABLE REQUIREMENTS FOR LICENSE, SHALL ISSUE A LICENSE UNDER SECTION 3-109 OF THE ACT. If the facility is not in compliance and satisfactory progress toward compliance is not being made, the Department will allow the probationary license to expire. (Section 3-116 of the Act)

g) ~~DURING THE 120 DAYS OF THE PROBATIONARY LICENSE, THE DEPARTMENT SHALL CONDUCT AN INVESTIGATION OF THE APPLICANT WITHIN 30 DAYS~~

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~~OF THE TERMINATION OF THE PROBATIONARY LICENSE TO DETERMINE WHETHER OR NOT THE APPLICANT THEN COMPLIES, AND IF NOT, WHETHER SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE. IF IN COMPLIANCE, THE PROBATIONARY LICENSE WILL BE REPLACED WITH A FULL STATUS LICENSE. IF NOT IN COMPLIANCE AND SATISFACTORY PROGRESS TOWARD COMPLIANCE IS NOT BEING MADE, THE DEPARTMENT WILL ALLOW THE PROBATIONARY LICENSE TO EXPIRE. (Section 3-116 of the Act)~~

h) IF THE DEPARTMENT FINDS THAT THE FACILITY DOES NOT MEET THE REQUIREMENTS FOR LICENSE BUT HAS MADE SUBSTANTIAL PROGRESS TOWARD MEETING THOSE REQUIREMENTS THE LICENSE MAY BE RENEWED ONCE FOR A PERIOD NOT TO EXCEED 120 DAYS FROM THE EXPIRATION DATE OF THE INITIAL PROBATIONARY LICENSE. Under no condition may more than two successive probationary licenses be issued. (Section 3-116 of the Act)

h) ~~IF THE APPLICANT IS FOUND NOT TO BE IN COMPLIANCE BUT SATISFACTORY PROGRESS IS BEING MADE TOWARD COMPLIANCE, A SECOND PROBATIONARY LICENSE OF UP TO 120 DAYS MAY BE ISSUED, UNDER NO CONDITION MAY MORE THAN TWO SUCCESSIVE PROBATIONARY LICENSES BE ISSUED. (Section 3-116 of the Act)~~

i) The issuance date of the probationary license to the new owner will be the date the last licensure requirement is met as determined by the Department. Prior to actual receipt by the operator or the license certificate, the operator may begin operation upon receipt of written approval by the Department.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.330

Definitions

The terms defined in this Section are terms that are used in one or more of the sets of licensing standards established by the Department to license various levels of long-term care. They are defined as follows:

ABUSE - ANY PHYSICAL OR MENTAL INJURY OR SEXUAL ASSAULT INFLECTED ON A RESIDENT OTHER THAN BY ACCIDENTAL MEANS IN A FACILITY. (Section 1-103 of the Act)

ACCESS - THE RIGHT TO:

ENTER ANY FACILITY;

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COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT WHO CONSENTS TO THE COMMUNICATION;

SEEK CONSENT TO COMMUNICATE PRIVATELY AND WITHOUT RESTRICTION WITH ANY RESIDENT;

INSPECT THE CLINICAL AND OTHER RECORDS OF A RESIDENT WITH THE EXPRESS WRITTEN CONSENT OF THE RESIDENT;

OBSERVE ALL AREAS OF THE FACILITY EXCEPT THE LIVING AREA OF ANY RESIDENT WHO PROTESTS THE OBSERVATION. (Section 1-104 of the Act)

Act - as used in this Part, the Nursing Home Care Act (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111 1/2, pars. 4151-101 et seq., ~~as amended by Public Act 86-1198, effective October 1, 1990~~).

Activity Program - a specific planned program of varied group and individual activities geared to the individual resident's needs and available for a reasonable number of hours each day.

Adaptive Behavior - the effectiveness or degree with which the individual meets the standards of personal independence and social responsibility expected of his age and cultural group.

Addition - any construction attached to the original building which increases the area or cubic content of the building.

Adequate - enough in either quantity or quality, as determined by a reasonable person familiar with the professional standards of the subject under review, to meet the needs of the residents of a facility under the particular set of circumstances in existence at the time of review.

Administrative Warning - a notice to a facility issued by the Department under Section 330.277 of this Part and Section 3-303.2 of the Act, which indicates that a situation, condition, or practice in the facility violates the Act or the Department's rules, but is not a type A or type B violation.

Administrator - the person who is directly responsible for the operation and administration of the facility, irrespective of the assigned title. (See Licensed Nursing Home Administrator)

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Advocate - a person who represents the rights and interests of an individual as though they were the person's own, in order to realize the rights to which the individual is entitled, obtain needed services, and remove barriers to meeting the individual's needs.

AFFILIATE MEANS:

WITH RESPECT TO A PARTNERSHIP, EACH PARTNER THEREOF.

WITH RESPECT TO A CORPORATION, EACH OFFICER, DIRECTOR AND STOCKHOLDER THEREOF.

WITH RESPECT TO A NATURAL PERSON: ANY PERSON RELATED IN THE FIRST DEGREE OF KINSHIP TO THAT PERSON; EACH PARTNERSHIP AND EACH PARTNER THEREOF OF WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS A PARTNER; AND EACH CORPORATION IN WHICH THAT PERSON OR ANY AFFILIATE OF THAT PERSON IS AN OFFICER, DIRECTOR ~~OR~~ STOCKHOLDER. (Section 1-106 of the Act)

Aide or Orderly - any person providing direct personal care, training or habilitation services to residents.

Alteration - any construction change or modification of an existing building which does not increase the area or cubic content of the building.

Ambulatory Resident - a person who is physically and mentally capable of walking without assistance, or is physically able with guidance to do so, including the ascent and descent of stairs.

APPLICANT - ANY PERSON MAKING APPLICATION FOR A LICENSE. (Section 1-107 of the Act)

Appropriate - term used to indicate that a requirement is to be applied according to the needs of a particular individual or situation.

Assessment - the use of an objective system with which to evaluate the physical, social, developmental, behavioral, and psychosocial aspects of an individual.

Audiologist - a person who is certified or is eligible for a certificate of clinical competence in audiology granted by the American Speech and Hearing Association under its requirements in effect on the publication of this provision or meets the educational requirements for certification, and is in the process of accumulating the supervised

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experience required for certification.

Autism - A syndrome described as consisting of withdrawal, very inadequate social relationships, exceptional object relationships, language disturbances and monotonously repetitive motor behavior; many children with autism will also be seriously impaired in general intellectual functioning; Mental illness observed in young children characterized by severe withdrawal and inappropriate response to external stimulation.

Autoclave - an apparatus for sterilizing by superheated steam under pressure.

Auxiliary Personnel - all nursing personnel in intermediate care facilities and skilled nursing facilities other than licensed personnel.

Basement - when used in this Part means any story or floor level below the main or street floor. Where due to grade difference, there are two levels each qualifying as a street floor, a basement is any floor below the level of the two street floors. Basements shall not be counted in determining the height of a building in stories.

Behavior Modification - treatment to be used to establish or change behavior patterns.

Cerebral Palsy - a disorder dating from birth or early infancy, nonprogressive, characterized by examples of aberrations of motor function (paralysis, weakness, incoordination) and often other manifestations of organic brain damage such as sensory disorders, seizures, mental retardation, learning difficulty and behavior disorders.

Certification for Title XVIII and XIX - the issuance of a document by the Department to the Department of Health and Human Services or the Department of Public Aid verifying compliance with applicable statutory or regulatory requirements for the purposes of participation as a provider of care and service in a specific Federal or State health program.

Charge Nurse - a charge nurse is a registered professional nurse or a licensed practical nurse in charge of the nursing activities for a specific unit or floor during a tour of duty.

Community Alternatives - service programs in the community provided as an alternative to institutionalization.

Community Living Facility - see Facility, Community Living.

Continuing Care Contract - a contract through which a facility agrees to supplement all forms of financial support for a resident throughout the remainder of the resident's life.

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Contract - a binding agreement between a resident or the resident's guardian (or, if the resident is a minor, the resident's parent) and the facility or its agent.

Corporal Punishment - painful stimuli inflicted directly upon the body.

Cruelty and Indifference to Welfare of the Resident - failure to provide a resident with the care and supervision he requires; or, the infliction of mental or physical abuse. Examples of physical abuse are restraining a resident, striking, slapping, hitting, or withholding food as punishment. Examples of mental abuse are swearing, threatening and seclusion.

Dentist - any person licensed by the State of Illinois to practice dentistry, includes persons holding a Temporary Certificate of Registration, as provided in the Illinois Dental Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 2301 et seq.).

Department - as used in these standards means the Illinois Department of Public Health.

Developmentally Disabled - those individuals whose disability is attributable to mental retardation, cerebral palsy, epilepsy, autism, or other pathological conditions which generally originate before such individuals attain age 18, and which continue, or can be expected to continue, indefinitely, and which constitute a substantial functioning handicap to such individuals.

Developmental Disability - a severe, chronic disability of a person which:

is attributable to a mental or physical impairment or combination of mental and physical impairment or combination of mental and physical impairments;

is manifest before age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activities:

self-care;

receptive and expressive language;

learning;

mobility;

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self-direction;

capacity for independent living; and

economic self-sufficiency; and

reflects the persons' needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of life-long or extended duration and individually planned and coordinated.

Dietetic Service Supervisor - a person who:

is a qualified dietitian; or

is a graduate of a dietetic technician or dietetic assistant training program, corresponding or classroom, approved by the American Dietetic Association; or

is a graduate of a Department-approved course that provides 90 or more hours of classroom instruction in food service supervision and has had experience as a supervisor in a health care institution, which included consultation from a dietitian; or

has training and experience in food service supervision and management in a military service equivalent in content to the program in paragraph (2) or (3) of this definition.

Dietitian - a person who:

is eligible for registration by the American Dietetic Association; or

has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

Direct Supervision - means that work is performed under the guidance and direction of a supervisor who is responsible for the work, who plans work and methods, who is available on short notice to answer questions and deal with problems that are not strictly routine, who regularly reviews the work performed, and who is accountable for the results.

DIRECTOR - THE DIRECTOR OF PUBLIC HEALTH OR HIS DESIGNEE.
(Section 1-110 of the Act)

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Director of Nursing Service - the full-time Professional Registered Nurse who is directly responsible for the immediate supervision of the nursing services.

DISCHARGE - THE FULL RELEASE OF ANY RESIDENT FROM A FACILITY.
(Section 1-111 of the Act)

Distinct Part - an entire, physically identifiable unit consisting of all of the beds within that unit and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for a distinct part are established as set forth in the respective regulations governing the levels of services approved for the distinct part.

Emergency - a situation, physical condition or one or more practices, methods or operations which present imminent danger of death or serious physical or mental harm to residents of a facility.

Epilepsy - a chronic symptom of cerebral dysfunction, characterized by recurrent attacks, involving changes in the state of consciousness, sudden in onset, and of brief duration. Many attacks are accompanied by a seizure in which the person falls involuntarily.

Equivalent of a Graduate Licensed Practical Nurse - a licensed practical nurse, licensed by waiver who successfully passes the proficiency examination approved by the U.S. Department of Health and Human Services shall be considered the equivalent of a licensed practical nurse who is a graduate of an approved school of practical nursing for the purposes of these standards.

Existing Long-Term Care Facility - any facility initially licensed as a health care facility or approved for construction by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, prior to March 1, 1980. Existing long-term care facilities shall meet the design and construction standards for existing facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Facility, Community Living - a place of residence as limited in these standards for between five and 80 ambulatory adults who are mildly or moderately mentally retarded with a potential for being absorbed into the mainstream of community life.

Facility, Intermediate Care - a facility which provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long-term illnesses or disabilities which may have reached a relatively stable plateau.

Facility, Intermediate Care for the Developmentally Disabled - when used in these

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standards is a facility of three or more persons, or distinct part thereof, serving residents of which more than 50 percent are developmentally disabled. Facilities with any number less than 50 percent of developmentally disabled residents, who are determined by the Department with consultation from the Division of Developmental Disabilities, Illinois Department of Mental Health and Developmental Disabilities to need organized social support and training programs, must comply with the program requirements in these minimum Standards.

FACILITY OR LONG-TERM CARE FACILITY - A PRIVATE HOME, INSTITUTION, BUILDING, RESIDENCE, OR ANY OTHER PLACE, WHETHER OPERATED FOR PROFIT OR NOT, OR A COUNTY HOME FOR THE INFIRM AND CHRONICALLY ILL OPERATED PURSUANT TO DIVISION 5-21 OR 5-22 OF THE COUNTIES CODE THE COUNTY HOME ACT (Ill. Rev. Stat. 1989, ch. 34, pars. 5-21001 and 5-22001), 53, par. 64 et seq.) AS NOW OR HEREFTER AMENDED, OR BY A COUNTY PURSUANT TO "AN ACT IN RELATION TO HOMES FOR THE AGED" (Ill. Rev. Stat. 1989, ch. 34, par. 3561 et seq.) AS NOW OR HEREFTER AMENDED, OR ANY SIMILAR INSTITUTION OPERATED BY A POLITICAL SUBDIVISION OF THE STATE OF ILLINOIS, WHICH PROVIDES, THROUGH ITS OWNERSHIP OR MANAGEMENT, PERSONAL CARE, SHELTERED CARE OR NURSING FOR THREE OR MORE PERSONS, NOT RELATED TO THE APPLICANT OR OWNER BY BLOOD OR MARRIAGE. IT INCLUDES SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES AS THOSE TERMS ARE DEFINED IN TITLE XVIII AND TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT (42 U.S.C.A. 1395 et seq. and 1936 et seq.). A "facility" may consist of more than one building as long as the buildings are on the same tract, or adjacent tracts of land. However, there shall be no more than one "facility" in any one building. "FACILITY" DOES NOT INCLUDE THE FOLLOWING:

A HOME, INSTITUTION, OR OTHER PLACE OPERATED BY THE FEDERAL GOVERNMENT OR AGENCY THEREOF, OR BY THE STATE OF ILLINOIS;

A HOSPITAL, SANITARIUM, OR OTHER INSTITUTION WHOSE PRINCIPAL ACTIVITY OR BUSINESS IS THE DIAGNOSIS, CARE, AND TREATMENT OF HUMAN ILLNESS THROUGH THE MAINTENANCE AND OPERATION AS ORGANIZED FACILITIES THEREFOR, WHICH IS REQUIRED TO BE LICENSED UNDER THE HOSPITAL LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 142 et seq.) AS NOW OR HEREFTER AMENDED;

ANY "FACILITY FOR CHILD CARE" AS DEFINED IN THE CHILD CARE ACT OF 1969 (Ill. Rev. Stat. 1989, ch. 23, par. 2211 et seq.) AS NOW OR

HEREAFTER AMENDED; OR

ANY "COMMUNITY LIVING FACILITY" AS DEFINED IN THE COMMUNITY LIVING FACILITIES LICENSING ACT (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 4181 et seq.);

ANY "COMMUNITY RESIDENTIAL ALTERNATIVE" AS DEFINED IN THE COMMUNITY RESIDENTIAL ALTERNATIVES LICENSING ACT (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 621 et seq.);

ANY NURSING HOME OR SANATORIUM OPERATED SOLELY BY AND FOR PERSONS WHO RELY EXCLUSIVELY UPON TREATMENT BY SPIRITUAL MEANS THROUGH PRAYER, IN ACCORDANCE WITH THE CREED OR TENETS OF ANY WELL-RECOGNIZED CHURCH OR RELIGIOUS DENOMINATION. HOWEVER, SUCH NURSING HOME OR SANATORIUM SHALL COMPLY WITH ALL LOCAL LAWS AND RULES RELATING TO SANITATION AND SAFETY; OR (Section 1-113 of the Act)

ANY FACILITY LICENSED BY THE DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES AS A COMMUNITY-INTEGRATED LIVING ARRANGEMENT AS DEFINED IN THE COMMUNITY-INTEGRATED LIVING ARRANGEMENTS LICENSURE AND CERTIFICATION ACT (Ill. Rev. Stat. 1989, ch. 91 1/2, par. 1701 et seq.). (Section 1-113 of the Act)

Facility, Skilled Nursing - when used in this Part is synonymous with a skilled nursing facility. A skilled nursing facility provides skilled nursing care, continuous skilled nursing observations, restorative nursing, and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

Financial Responsibility - sufficient assets to provide adequate services such as: staff, heat, laundry, foods, supplies, and utilities for at least a two month period of time.

Full-time - means on duty a minimum of 36 hours, four days per week.

Goal - an expected result or condition that involves a relatively long period of time to achieve, that is specified in behavioral terms in a statement of relatively broad scope, and that provides guidance in establishing specific, short-term objectives directed toward its attainment.

Governing Body - the policy-making authority, whether an individual or a group, that

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exercises general direction over the affairs of a facility and establishes policies concerning its operation and the welfare of the individuals it serves.

GUARDIAN - A PERSON APPOINTED AS A GUARDIAN OF THE PERSON OR GUARDIAN OF THE ESTATE, OR BOTH, OF A RESIDENT UNDER THE PROBATE ACT OF 1975 (Ill. Rev. Stat. 1989, ch. 110 1/2, par. 1-1 et seq.) **AS NOW OR HEREAFTER AMENDED.** (Section 1-114 of the Act)

Habilitation - an effort directed toward the alleviation of a disability or toward increasing a person's level of physical, mental, social or economic functioning. Habilitation may include, but is not limited to, diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, protective services, counseling and other services.

Health Services Supervisor - (Director of Nursing Service) the full-time Registered Nurse, or Licensed Practical Nurse, who is directly responsible for the immediate supervision of the health services in an Intermediate Care Facility.

Home for the Aged - any facility which is operated: by a not for profit corporation incorporated under, or qualified as a foreign corporation under, the General Not For Profit Corporation Act of 1986, as heretofore or hereafter amended (Ill. Rev. Stat. 1989, ch. 32, par. 101.01 et seq.); or, by a county pursuant to Division 5-22 of the Counties Code ~~"AN ACT in relation to homes for the aged," as heretofore or hereafter amended~~ (Ill. Rev. Stat. 1989, ch. 34, par. 5-22001 3561 et seq.); or, pursuant to a trust or endowment established for nonprofit, charitable purposes, and which provides maintenance, personal care, nursing or sheltered care to three or more residents, 90 percent of whom are 60 or more years of age.

Hospitalization - the care and treatment of a person in a hospital as an in-patient.

House Manager - a qualified person on duty 40 hours a week managing the Community Living Facility and responsible for its operation and its inhabitants.

Individual Educational Program (IEP) - a written statement for each resident that provides for specific education and related services. The Individual Education Program may be incorporated into the Individual Habilitation Plan (IHP).

Individual Habilitation Plan (IHP) - a total plan of care that is developed by the interdisciplinary team for each resident, and that is developed on the basis of all assessment results.

Institutional Occupancy - when used in this Part means Health Care Facilities, Group (a),

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as defined in Chapter 10, paragraph 10-0001 of the Life Safety Code, National Fire Protection Association (1967 Edition).

Interdisciplinary Team - a group of persons that represents those professions, disciplines, or service areas that are relevant to identifying an individual's needs, and designs a program to meet those needs. This team shall include at least a physician, a social worker and other professionals. In Intermediate Care Facilities for the Developmentally Disabled (ICF/DD-s) at least one member of the team shall be a Qualified Mental Retardation Professional.

Licensed Nursing Home Administrator - a person who is charged with the general administration and supervision of a facility and licensed under the Nursing Home Administrators Licensing and Disciplinary Act, as now or hereafter amended (Ill. Rev. Stat. 1989, ch. 111, par. 3651 et seq.).

Licensed Practical Nurse - a person with a valid Illinois license to practice as a practical nurse.

LICENSEE - THE PERSON OR ENTITY LICENSED TO OPERATE THE FACILITY AS PROVIDED UNDER THE ACT. (Section 1-115 of the Act)

Life-care contract - a contract through which a facility agrees to provide maintenance and care for a resident throughout the remainder of the resident's life.

MAINTENANCE - FOOD, SHELTER, AND LAUNDRY SERVICES. (Section 1-116 of the Act)

Maladaptive Behavior - impairment in adaptive behavior as determined by a clinical psychologist or by a physician. Impaired adaptive behavior may be reflected in delayed maturation, reduced learning ability or inadequate social adjustment.

Medical Record Practitioner - a person who: is eligible for certification as a registered record administrator (RRA) or an accredited record technician (ART), by the American Medical Record Association under its requirements; or is a graduate of a school of medical record science that is accredited jointly by the American Medical Association and the American Medical Record Association.

Mentally Retarded and Mental Retardation - subaverage general intellectual functioning originating during the developmental period and associated with maladaptive behavior.

Misappropriation of Property - using a resident's cash, clothing, or other possessions without authorization by the resident or the resident's authorized representative; failure

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to return valuables after a resident's discharge, or failure to refund money after death or discharge when there is an unused balance in the resident's personal account.

Mobile Nonambulatory - unable to walk independently or without assistance, but able to move from place to place with the use of devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Mobile Resident - any resident who is able to move about either independently or with the aid of assistive devices such as walkers, crutches, wheelchairs, or wheeled platforms.

Monitor - a qualified person placed in a facility by the Department to observe operations of the facility, assist the facility by advising it on how to comply with the state regulations, and who reports periodically to the Department on the operations of the facility.

NEGLECT - A FAILURE IN A FACILITY TO PROVIDE ADEQUATE MEDICAL OR PERSONAL CARE OR MAINTENANCE, WHICH FAILURE RESULTS IN PHYSICAL OR MENTAL INJURY TO A RESIDENT OR IN THE DETERIORATION OF A RESIDENT'S PHYSICAL OR MENTAL CONDITION. (Section 1-117 of the Act)

New Long-Term Care Facility - any facility initially licensed as a health care facility by the Department, or any facility initially licensed or operated by any other agency of the State of Illinois, on or after March 1, 1980. New long-term care facilities shall meet the design and construction standards for new facilities for the level of long-term care for which the license (new or renewal) is to be granted.

Normalization - the principle of helping individuals to obtain an existence as close to normal as possible, by making available to them patterns and conditions of everyday life that are as close as possible to the norms and patterns of the mainstream of society.

NURSE - A REGISTERED NURSE OR A LICENSED PRACTICAL NURSE AS DEFINED IN THE ILLINOIS NURSING ACT OF 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 3501 et seq.) AS NOW OR HEREAFTER AMENDED. (Section 1-118 of the Act)

Nursing Assistant - Any person who provides nursing care or personal care to residents of licensed long-term care facilities, regardless of title, and who is not otherwise licensed, certified or registered by the Department of Professional Regulation to render medical care. Other titles often used to refer to nursing assistants include, but are not limited to, nurse's aide, orderly and nurse technician. Nursing assistants must function under the supervision of a licensed nurse.

Nursing Care - a complex of activities which carries out the diagnostic, therapeutic, and

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rehabilitative plan as prescribed by the physician; care for the resident's environment; observing symptoms and reactions and taking necessary measures to carry out nursing procedures involving understanding of cause and effect in order to safeguard life and health.

Nursing Unit - a physically identifiable designated area ~~distinct part~~ of a facility consisting of all the beds within the designated area ~~distinct part~~, but having no more than 75 beds, none of which are more than 120 feet from the nurse's station.

Objective - an expected result or condition that involves a relatively short period of time to achieve, that is specified in behavioral terms, and that is related to the achievement of a goal.

Occupational Therapist, Registered (OTR) - a person who is registered with the Department of Professional Regulation as an occupational therapist under the Illinois Occupational Therapy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 3701 et seq.).

Occupational Therapy Assistant - a person who is registered with the Department of Professional Regulation as a certified occupational therapy assistant under the Illinois Occupational Therapy Practice Act.

Operator - the person responsible for the control, maintenance and governance of the facility, its personnel and physical plant.

Oversight - general watchfulness and appropriate action to meet the total needs of the residents, exclusive of nursing or personal care. Oversight shall include, but is not limited to, social, recreational and employment opportunities for residents who, by reason of mental disability, or in the opinion of a licensed physician, are in need of residential care.

OWNER - THE INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION OR OTHER PERSON WHO OWNS A FACILITY. IN THE EVENT A FACILITY IS OPERATED BY A PERSON WHO LEASES THE PHYSICAL PLANT, WHICH IS OWNED BY ANOTHER PERSON, "OWNER" MEANS THE PERSON WHO OPERATES THE FACILITY, EXCEPT THAT IF THE PERSON WHO OWNS THE PHYSICAL PLANT IS AN AFFILIATE OF THE PERSON WHO OPERATES THE FACILITY AND HAS SIGNIFICANT CONTROL OVER THE DAY-TO-DAY OPERATIONS OF THE FACILITY, THE PERSON WHO OWNS THE PHYSICAL PLANT SHALL INCUR JOINTLY AND SEVERALLY WITH THE OWNER ALL LIABILITIES IMPOSED ON AN OWNER UNDER THE ACT. (Section 1-119 of the Act)

Person - any individual, partnership, corporation, association, municipality, political

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subdivision, trust, estate or other legal entity whatsoever.

PERSONAL CARE - ASSISTANCE WITH MEALS, DRESSING, MOVEMENT, BATHING, OR OTHER PERSONAL NEEDS, OR GENERAL SUPERVISION AND OVERSIGHT OF THE PHYSICAL AND MENTAL WELL-BEING OF AN INDIVIDUAL, EXCLUSIVE OF NURSING, WHO BECAUSE OF AGE, PHYSICAL OR MENTAL DISABILITY, EMOTIONAL OR BEHAVIOR DISORDER, OR MENTAL RETARDATION IS INCAPABLE OF MAINTAINING A PRIVATE, INDEPENDENT RESIDENCE, OR WHO IS INCAPABLE OF MANAGING HIS PERSON WHETHER OR NOT A GUARDIAN HAS BEEN APPOINTED. (Section 1-120 of the Act)

Pharmacist, Registered - a person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1989 (Ill. Rev. Stat. 1989, ch. 111, par. 4121 et seq.)

Physical Therapy Assistant - a person who has graduated from a two year college level program approved by the American Physical Therapy Association.

Physical Therapist - a person who is registered with the Department of Professional Regulation as a physical therapist under the Illinois Physical Therapy Act (Ill. Rev. Stat. 1989, ch. 111, par. 4251 et seq.).

Physician - any person licensed by the State of Illinois to practice medicine in all its branches as provided in the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-1 et seq.).

Probationary License - an initial license issued for a period of 120 days during which time the Department will determine the qualifications of the applicant.

Program Coordinator - a qualified person directly responsible for the overall program, operation and management of a Community Living Facility.

Psychiatrist - a physician who has had at least three years of formal training or primary experience in the diagnosis and treatment of mental illness.

Psychologist - a person who is licensed by the Illinois Department of Professional Regulation to practice clinical psychology under the Clinical Psychologist Licensing Act (Ill. Rev. Stat. 1989, ch. 111, par. 5351 et seq.).

Qualified Mental Retardation Professional - a person who has at least one year of experience working directly with individuals with developmental disabilities and meets at least one of the following additional qualifications:

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Be a physician as defined in this Section.

Be a registered nurse as defined in this Section.

Hold at least a bachelor's degree in one of the following fields: occupational therapy, physical therapy, psychology, social work, speech or language pathology, recreation (or a recreational specialty area such as art, dance, music, or physical education), dietary services or dietetics, or a human services field (such as sociology, special education, or rehabilitation counseling).

Qualified Professional - a person who meets the educational, technical and ethical criteria of a health care profession, as evidenced by eligibility for membership in an organization established by the profession for the purpose of recognizing those persons who meet such criteria; and who is licensed, registered, or certified by the State of Illinois, if required.

REASONABLE VISITING HOURS - ANY TIME BETWEEN THE HOURS OF 10 A.M. AND 8 P.M. DAILY. (Section 1-121 of the Act)

Registered Nurse - a person with a valid Illinois license from the Illinois Department of Professional Regulation to practice as a registered professional nurse under the Illinois Nursing Act of 1987.

Reputable Moral Character - having no history of a conviction of the applicant, or if the applicant is a firm, partnership, or association, of any of its members, or of a corporation, of any of its officers, or directors, or of the person designated to manage or supervise the facility, of a felony, or of two or more misdemeanors involving moral turpitude, as shown by a certified copy of the record of the court of conviction, or in the case of the conviction of a misdemeanor by a court not of record, as shown by other evidence; or other satisfactory evidence that the moral character of the applicant, or manager, or supervisor of the facility is not reputable.

RESIDENT - PERSON RESIDING IN AND RECEIVING PERSONAL CARE FROM A FACILITY. (Section 1-122 of the Act)

Resident Services Director - the full-time administrator, or an individual on the professional staff in the facility, who is directly responsible for the coordination and monitoring of the residents' overall plans of care in an intermediate care facility.

RESIDENT'S REPRESENTATIVE - A PERSON OTHER THAN THE OWNER, OR AN AGENT OR EMPLOYEE OF A FACILITY NOT RELATED TO THE RESIDENT, DESIGNATED IN WRITING BY A RESIDENT TO BE HIS REPRESENTATIVE, OR THE RESIDENT'S GUARDIAN, OR THE PARENT OF A MINOR RESIDENT FOR

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WHOM NO GUARDIAN HAS BEEN APPOINTED. (Section 1-123 of the Act)

Restorative Care - a health care process designed to assist residents to attain and maintain the highest degree of function of which they are capable (physical, mental, and social).

Restraint of a Resident - the application of a device to limit movements.

Room - a part of the inside of a facility that is partitioned continuously from floor to ceiling with openings closed with glass or hinged doors.

Safety Device - any equipment or protective device used on a bed, chair, or resident which prevents him from falling or otherwise injuring himself. Examples are: bedside rails, geriatric or adaptive chairs, a wide band, vest or sheet applied to prevent falling out of a bed or chair, and hand socks applied to prevent injuring one's self.

Sanitization - the reduction of pathogenic organisms on a utensil surface to a safe level, which is accomplished through the use of steam, hot water, or chemicals.

Satisfactory - same as adequate.

Seclusion - the retention of a resident in a room which the resident cannot open.

Self Preservation - the ability to follow directions and recognize impending danger or emergency situations and react by avoiding or leaving the unsafe area.

SHELTERED CARE - MAINTENANCE AND PERSONAL CARE. (Section 1-124 of the Act)

Social Worker, Qualified - a person who:

is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 6351 et seq.; and is a graduate of a school of social work which has been approved by the Council on Social Work Education (some schools are approved for Bachelor's Degree programs and others for Master's Degree programs); and has one year of social work experience in a health care setting.

State Fire Marshal - the Fire Marshal of the Office of the State Fire Marshal, Division of Fire Prevention.

Sterilization - the act or process of destroying completely all forms of microbial life, including viruses.

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STOCKHOLDER OF A CORPORATION - ANY PERSON WHO, DIRECTLY OR INDIRECTLY, BENEFICIALLY OWNS, HOLDS OR HAS THE POWER TO VOTE, AT LEAST FIVE PERCENT OF ANY CLASS OF SECURITIES ISSUED BY THE CORPORATION. (Section 1-125 of the Act)

Story - when used in this Part means that portion of a building between the upper surface of any floor and the upper surface of the floor above except that the topmost story shall be the portion of a building between the upper surface of the topmost floor and the upper surface of the roof above.

STUDENT INTERN - MEANS ANY PERSON WHOSE TOTAL TERM OF EMPLOYMENT IN ANY FACILITY DURING ANY 12-MONTH PERIOD IS EQUAL TO OR LESS THAN 90 CONTINUOUS DAYS, AND WHOSE TERM OF EMPLOYMENT IS EITHER:

AN ACADEMIC CREDIT REQUIREMENT IN A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, OR

IMMEDIATELY SUCCEEDS A FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION, PROVIDED THAT SUCH PERSON IS REGISTERED FOR ANOTHER FULL QUARTER, SEMESTER OR TRIMESTER OF ACADEMIC ENROLLMENT IN EITHER A HIGH SCHOOL OR UNDERGRADUATE INSTITUTION WHICH QUARTER, SEMESTER OR TRIMESTER WILL COMMENCE IMMEDIATELY FOLLOWING THE TERM OF EMPLOYMENT. (Section 1-125.1 of the Act)

Substantial - meeting requirements except for variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.280(q)(8), 330.280(k)(2) and 330.280(k)(4).

Substantial failure - the failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Sections 330.180(b)(1) and 330.260(f).

Sufficient - Same as adequate.

Supervision - authoritative procedural guidance by a qualified person for the accomplishment of a function or activity within his sphere of competence, with initial direction and periodic inspection of the actual act of accomplishing the function or

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activity. Unless otherwise stated in regulations, the supervisor must be on the premises if the person does not meet assistant level (two year training program) qualifications specified in these definitions.

Therapeutic Recreation Specialist - a person who is certified by the National Council for Therapeutic Recreation Certification and who meets the minimum standards it has established for classification as a Therapeutic Recreation Specialist.

Time Out - removing an individual from a situation that results in undesirable behavior. It is a behavior modification procedure which is developed and implemented under the supervision of a qualified professional.

TITLE XVIII - TITLE XVIII OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-126 of the Act)

TITLE XIX - TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT AS NOW OR HEREAFTER AMENDED (42 U.S.C. 1395 et seq.). (Section 1-127 of the Act)

TRANSFER - A CHANGE IN STATUS OF A RESIDENT'S LIVING ARRANGEMENTS FROM ONE FACILITY TO ANOTHER FACILITY. (Section 1-128 of the Act)

TYPE A VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY PRESENTING A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS MENTAL OR PHYSICAL HARM TO A RESIDENT WILL RESULT THEREFROM. (Section 1-129 of the Act)

TYPE B VIOLATION - A VIOLATION OF THE ACT OR OF THE RULES PROMULGATED THEREUNDER WHICH CREATES A CONDITION OR OCCURRENCE RELATING TO THE OPERATION AND MAINTENANCE OF A FACILITY DIRECTLY THREATENING TO THE HEALTH, SAFETY OR WELFARE OF A RESIDENT. (Section 1-130 of the Act)

Unit - an entire physically identifiable residence area, in Community Living Facilities consisting of not less than five nor more than 20 beds, and having facilities meeting the standards applicable to the levels of service to be provided. Staff and services for each distinct resident area are established as set forth in the respective regulations governing the approved levels of service.

Universal Progress Notes - a common record with periodic narrative documentation by

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all persons involved in resident care.

Valid License - a license which is unsuspended, unrevoked and unexpired.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.730 Contract Between Resident and Facility

a) Contract Execution

1) BEFORE A PERSON IS ADMITTED TO A FACILITY, OR AT THE EXPIRATION OF THE PERIOD OF PREVIOUS CONTRACT, OR WHEN THE SOURCE OF PAYMENT FOR THE RESIDENT'S CARE CHANGES FROM PRIVATE TO PUBLIC FUNDS OR FROM PUBLIC TO PRIVATE FUNDS, A WRITTEN CONTRACT SHALL BE EXECUTED BETWEEN A LICENSEE AND THE FOLLOWING IN ORDER OF PRIORITY:

A) THE PERSON, OR IF THE PERSON IS A MINOR, HIS PARENT OR GUARDIAN; OR

B) THE PERSON'S GUARDIAN, IF ANY, OR AGENT, IF ANY, AS DEFINED IN SECTION 11a-23 OF THE "PROBATE ACT OF 1975", AS NOW OR HEREAFTER AMENDED; OR

C) A MEMBER OF THE PERSON'S IMMEDIATE FAMILY. (Section 2-202(a) of the Act)

2) AN ADULT PERSON SHALL BE PRESUMED TO HAVE THE CAPACITY TO CONTRACT FOR ADMISSION TO A LONG-TERM CARE FACILITY UNLESS HE HAS BEEN ADJUDICATED A "DISABLED PERSON" WITHIN THE MEANING OF SECTION 11a-2 OF THE PROBATE ACT OF 1975, AS NOW OR HEREAFTER AMENDED, OR UNLESS A PETITION FOR SUCH AN ADJUDICATION IS PENDING IN A CIRCUIT COURT OF ILLINOIS. (Section 2-202(a) of the Act)

3) IF THERE IS NO GUARDIAN, AGENT OR MEMBER OF THE PERSON'S IMMEDIATE FAMILY AVAILABLE, ABLE OR WILLING TO EXECUTE THE CONTRACT REQUIRED BY SECTION 2-202 OF THE ACT AND A PHYSICIAN DETERMINES THAT A PERSON IS SO DISABLED AS TO BE UNABLE TO CONSENT TO PLACEMENT IN A FACILITY, OR IF A PERSON HAS ALREADY BEEN FOUND TO BE A "DISABLED PERSON", BUT NO ORDER HAS BEEN ENTERED ALLOWING RESIDENTIAL

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PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

PLACEMENT OF THE PERSON, THAT PERSON MAY BE ADMITTED TO A FACILITY BEFORE THE EXECUTION OF A CONTRACT REQUIRED BY THAT SECTION; PROVIDED THAT A PETITION FOR GUARDIANSHIP OR FOR MODIFICATION OF GUARDIANSHIP IS FILED WITHIN 15 DAYS OF THE PERSON'S ADMISSION TO A FACILITY, AND PROVIDED FURTHER THAT SUCH A CONTRACT IS EXECUTED WITHIN TEN DAYS OF THE DISPOSITION OF THE PETITION. (Section 2-202(a) of the Act)

4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

4) NO ADULT SHALL BE ADMITTED TO A FACILITY IF HE OBJECTS, ORALLY OR IN WRITING, TO SUCH ADMISSION, EXCEPT AS OTHERWISE PROVIDED IN CHAPTERS III AND IV OF THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES CODE, AS AMENDED, OR SECTION 11a-14.1 OF THE PROBATE ACT OF 1975, AS AMENDED. (Section 2-202(a) of the Act)

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of the person, within ten days of the effective date of this Part these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

5) If on the effective date of this Part, a person has not executed a contract as required by Section 2-202 of the Act, then such a contract shall be executed by, or on behalf of the person, within ten days of the effective date of this Part these rules, unless a petition has been filed for guardianship or modification of guardianship. If a petition for guardianship or modification of guardianship has been filed, and there is no guardian, agent or member of the person's immediate family available, able, or willing to execute the contract at that time, then a contract shall be executed within ten days of the disposition of such petition.

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

b) The contract shall be clearly and unambiguously entitled, "Contract Between Resident and (name of facility)."

c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

c) A RESIDENT SHALL NOT BE DISCHARGED OR TRANSFERRED AT THE EXPIRATION OF THE TERM OF A CONTRACT, EXCEPT AS PROVIDED IN SECTIONS 3-401 THROUGH 3-423 OF THE ACT. (Section 2-202(b) of the Act)

d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

d) AT THE TIME OF THE RESIDENT'S ADMISSION TO THE FACILITY, A COPY OF THE CONTRACT SHALL BE GIVEN TO THE RESIDENT, HIS GUARDIAN, IF ANY, AND ANY OTHER PERSON WHO EXECUTED THE CONTRACT. (Section 2-202(c) of the Act)

e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

e) The contract shall be signed by the licensee or his agent. The title of each person signing the contract for the facility shall be clearly indicated next to each such signature. The nursing home administrator may sign as the agent of the licensee.

f) The contract shall be signed by, or for, the resident, as described in subsection (a) of this Section. If any person other than the principal signatory is to be held individually

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responsible for payments due under the contract, that person shall also sign the contract on a separate signature line labelled "signature of responsible party" or "signature of guarantor."

executed then such additional cost shall be specified in the contract.

g) The contract shall include a definition of "responsible party" or "guarantor" which describes in full the liability incurred by any such person.

h) A COPY OF THE CONTRACT FOR A RESIDENT WHO IS SUPPORTED BY NONPUBLIC FUNDS OTHER THAN THE RESIDENT'S OWN FUNDS SHALL BE MADE AVAILABLE TO THE PERSON PROVIDING THE FUNDS FOR THE RESIDENT'S SUPPORT. (Section 2-202(d) of the Act)

i) THE ORIGINAL OR A COPY OF THE CONTRACT SHALL BE MAINTAINED IN THE FACILITY AND BE MADE AVAILABLE UPON REQUEST TO REPRESENTATIVES OF THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC AID. (Section 2-202(e) of the Act)

j) THE CONTRACT SHALL BE WRITTEN IN CLEAR AND UNAMBIGUOUS LANGUAGE AND SHALL BE PRINTED IN NOT LESS THAN 12 POINT TYPE. (Section 2-202(f) of the Act)

k) THE CONTRACT SHALL SPECIFY THE TERM OF THE CONTRACT. (Section 2-202(g)(1) of the Act)

l) Services Provided and Charges

1) THE CONTRACT SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(2) of the Act)

2) A paragraph shall itemize the services and products to be provided by the facility and express the cost of the itemized services and products to be provided either in terms of a daily, weekly, monthly or yearly rate, or in terms of a single fee.

m) THE CONTRACT SHALL SPECIFY THE SERVICES THAT MAY BE PROVIDED TO SUPPLEMENT THE CONTRACT AND THE CHARGES FOR THE SERVICES. (Section 2-202(g)(3) of the Act)

1) A paragraph shall itemize all services and products offered by the facility or related institutions which are not covered by the rate or fee established in subsection (l) of this Section. If a separate rate or fee for any such supplemental service or product can be calculated with definiteness at the time the contract is

- 2) If the cost of any itemized service or product to be provided by the facility or related institutions to the resident cannot be established or predicted with definiteness at the time of the resident's admission to the facility or at the time of the execution of the contract, then no cost for that service or product need be stated in the contract. But the contract shall include a statement explaining the resident's liability for such itemized service or product and explaining that the resident will be receiving a bill for such itemized service or product beyond and in addition to any rate or fee set forth in the contract.

n) THE CONTRACT SHALL SPECIFY THE SOURCES LIABLE FOR PAYMENTS DUE UNDER THE CONTRACT. (Section 2-202(g)(4) of the Act)

o) Deposit Provisions

1) THE CONTRACT SHALL SPECIFY THE AMOUNT OF DEPOSIT PAID. (Section 2-202(g)(5) of the Act)

2) Such amount shall be expressed in terms of a precise number of dollars and be clearly designated as a deposit. The contract shall specify when such deposit shall be paid by the resident, and the contract shall specify when such deposit shall be returned by the facility. The contract shall specify the conditions (if any) which must be satisfied by the resident before the facility shall return the deposit. Upon the satisfaction of all such conditions, the deposit shall be returned to the resident. If the deposit is nonrefundable, the contract shall provide express notice of such nonrefundability.

p) THE CONTRACT SHALL SPECIFY THE RIGHTS, DUTIES AND OBLIGATIONS OF THE RESIDENT, EXCEPT THAT THE SPECIFICATION OF A RESIDENT'S RIGHTS MAY BE FURNISHED ON A SEPARATE DOCUMENT WHICH COMPLIES WITH THE REQUIREMENTS OF SECTION 2-202 OF THE ACT. (Section 2-202(g)(6) of the Act)

q) THE CONTRACT SHALL DESIGNATE THE NAME OF THE RESIDENT'S REPRESENTATIVE, IF ANY. THE RESIDENT SHALL PROVIDE THE FACILITY WITH A COPY OF THE WRITTEN AGREEMENT BETWEEN THE RESIDENT AND THE RESIDENT'S REPRESENTATIVE WHICH AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO INSPECT AND COPY THE RESIDENT'S RECORDS AND AUTHORIZES THE RESIDENT'S REPRESENTATIVE TO EXECUTE THE CONTRACT ON BEHALF OF THE RESIDENT REQUIRED BY SECTION 2-202 OF THE ACT. (Section 2-202(h) of the Act) ~~The resident shall provide the facility with a~~

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copy of the written agreement between the resident and the resident's representative which authorizes the resident's representative to inspect and copy the resident's records and authorizes the resident's representative to execute the contract on behalf of the resident required by Section 2-202 of the Act.

- r) THE CONTRACT SHALL PROVIDE THAT IF THE RESIDENT IS COMPELLED BY A CHANGE IN PHYSICAL OR MENTAL HEALTH TO LEAVE THE FACILITY, THE CONTRACT AND ALL OBLIGATIONS UNDER IT SHALL TERMINATE ON SEVEN DAYS NOTICE. IT SHALL ALSO PROVIDE THAT IN ALL OTHER SITUATIONS, A RESIDENT MAY TERMINATE THE CONTRACT AND ALL OBLIGATIONS UNDER IT WITH 30 DAYS NOTICE. ALL CHARGES SHALL BE PRORATED AS OF THE DATE ON WHICH THE CONTRACT TERMINATES, AND, IF ANY PAYMENTS HAVE BEEN MADE IN ADVANCE, THE EXCESS SHALL BE REFUNDED TO THE RESIDENT. THIS PROVISION SHALL NOT APPLY TO LIFE-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO PROVIDE MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE NOR TO CONTINUING-CARE CONTRACTS THROUGH WHICH A FACILITY AGREES TO SUPPLEMENT ALL AVAILABLE FORMS OF FINANCIAL SUPPORT IN PROVIDING MAINTENANCE AND CARE FOR A RESIDENT THROUGHOUT THE REMAINDER OF THE RESIDENT'S LIFE. (Section 2-202(i) of the Act)

- s) After July 1, 1982, all facilities which offer to provide a resident with NURSING SERVICES, MEDICAL SERVICES OR PERSONAL CARE SERVICES, IN ADDITION TO MAINTENANCE SERVICES, CONDITIONED UPON THE TRANSFER OF AN ENTRANCE FEE TO THE PROVIDER OF SUCH SERVICES IN ADDITION TO OR IN LIEU OF THE PAYMENT OF REGULAR PERIODIC CHARGES FOR THE CARE AND SERVICES INVOLVED, ~~nursing services, medical services or personal-care services, in addition to maintenance services,~~ for a term in excess of one year or for life pursuant to a life care contract, shall meet all of the provisions of the Life Care Facilities Act (Ill. Rev. Stat. 19897, ch. 111 1/2, par. 4160-1 et seq.) as now or hereafter amended, including the obtaining of a permit from the Department, before they may enter into such contracts. (Section 2(c) of the Life Care Facilities Act)

- t) IN ADDITION TO ALL OTHER CONTRACT SPECIFICATIONS CONTAINED IN THIS SECTION, ADMISSION CONTRACTS SIGNED OR RENEWED AFTER JULY 1, 1985 SHALL ALSO SPECIFY:

- 1) WHETHER THE FACILITY ACCEPTS MEDICAID CLIENTS;
- 2) WHETHER THE FACILITY REQUIRES A DEPOSIT OF THE RESIDENT OR HIS FAMILY PRIOR TO THE ESTABLISHMENT OF MEDICAID

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ELIGIBILITY;

- 3) IN THE EVENT THAT A DEPOSIT IS REQUIRED, A CLEAR AND CONCISE STATEMENT OF THE PROCEDURE TO BE FOLLOWED FOR THE RETURN OF SUCH DEPOSIT TO THE RESIDENT OR THE APPROPRIATE FAMILY MEMBER OR GUARDIAN OF THE PERSON;
- 4) THAT ALL DEPOSITS MADE TO A FACILITY BY A RESIDENT, OR ON BEHALF OF A RESIDENT, SHALL BE RETURNED BY THE FACILITY WITHIN 30 DAYS OF THE ESTABLISHMENT OF MEDICAID ELIGIBILITY, UNLESS SUCH DEPOSITS MUST BE DRAWN UPON OR ENCUMBERED IN ACCORDANCE WITH MEDICAID ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE ILLINOIS DEPARTMENT OF PUBLIC AID. (Section 2-202(j) of the Act)
- u) IT SHALL BE A BUSINESS OFFENSE FOR A FACILITY TO KNOWINGLY AND INTENTIONALLY BOTH RETAIN A RESIDENT'S DEPOSIT AND ACCEPT MEDICAID PAYMENTS ON BEHALF OF THE RESIDENT. (Section 2-202(k) of the Act)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.1970 Scheduling of Meals

- a) A minimum of three meals or their equivalent shall be served daily at regular times with no more than a 14 hour span between a substantial evening meal and breakfast. The 14 hour span shall not apply to facilities using the "four or five meal-a-day" plan, provided the evening meal is substantial and includes, but is not limited to, a good quality protein, bread or bread substitute, a dessert and a nourishing beverage. (B)
- b) ~~Between meals or~~ Bedtime snacks of nourishing quality shall be offered. (B) Snacks of nourishing quality shall be offered between meals when there is a time span of four or more hours between the ending of one meal and the serving of the next, or as otherwise indicated in the resident's plan of care.
- c) If a resident refuses food served, reasonable and nutritionally appropriate substitutes shall be served. (B)

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.3620 General Building Requirements

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Every existing facility shall:

- a) Be structurally sound, in good repair, and attractive inside and out. (B)
- b) Have stairs, whether inside or outside of the building, provided with sturdy handrails. Stairways over three feet wide shall have handrails on each side. (B)
- c) Be served by reliable telephone service.
- d) Be served by reliable electrical service. The Department may require a standby electric generator on the premises to provide an emergency supply of electricity to maintain essential services when it has evidence that there have been frequent and prolonged interruptions of service that have resulted in a threat to the residents' health and welfare. (B)
- e) Be constructed and maintained so as to prevent the entrance and harborage of rats, mice, flies, and other insects.
- f) Have all outside doors, other than required exits, and nonstationary windows equipped with tight-fitting, full-length 16-mesh screens. Screen doors shall be equipped with self-closing devices.
- g) Have each exterior door equipped with a signal that will alert personnel in the area if a resident leaves the building. Any exterior door that is supervised during certain periods during the day or night may have a disconnect device for part-time use. If there is constant 24 hour a day supervision of the door, a signal is not required. (B)
- h) Be provided with sufficient and satisfactory artificial lighting wherever required throughout the building and grounds.
- i) Have smooth floors which are free from cracks and finished so that they can be easily and properly cleaned. Floors in bathrooms, kitchens, and utility rooms shall be covered wall to wall with terrazzo, inlaid linoleum, tile or approved equivalent. (B)
- j) Have all walls and ceilings of sound construction, covered with plaster or approved equivalent, in good repair, and free from cracks or holes for easy and proper cleaning.
- k) Have all windows in good repair so that they fit snugly, yet will open and close easily.
- l) Have safety devices provided across low windows, on open porches, at changes in floor level, and at other danger areas inside or outside the building, when there is a danger present to residents. (B)

m) Have no other business unrelated to health care conducted in the building that constitutes a hazard or annoyance to the residents. In any case, the business shall be in a segregated portion of the building and shall have a separate entrance.

n) Have any thresholds for doorways used by residents flush with the floor.

o) Have a ceiling height of eight feet or more throughout all rooms occupied or used by residents.

p) Provide a medicine cabinet. (See Section 330.1520.)

q) Install partitions, screens, shields, or other means to protect residents from thermal hazards such as radiators, hot water or steam pipes, baseboard heaters, therapy equipment, or other surfaces accessible to residents which may exceed a temperature of 140 degrees Fahrenheit. Any protective device shall be designed and installed so that it does not present a fire or safety hazard or adversely affect the safe operation of the equipment.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.4310 Complaint Procedures

a) A RESIDENT SHALL BE PERMITTED TO PRESENT GRIEVANCES ON BEHALF OF HIMSELF AND OTHERS TO THE ADMINISTRATOR, THE LONG-TERM CARE FACILITY ADVISORY BOARD, THE RESIDENTS' ADVISORY COUNCIL, STATE GOVERNMENTAL AGENCIES OR OTHER PERSONS WITHOUT THREAT OF DISCHARGE OR REPRISAL IN ANY FORM OR MANNER WHATSOEVER. (Section 2-1212 of the Act)

b) THE FACILITY ADMINISTRATOR SHALL PROVIDE ALL RESIDENTS OR THEIR REPRESENTATIVES WITH THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPROPRIATE STATE GOVERNMENTAL OFFICE WHERE COMPLAINTS MAY BE LODGED. (Section 2-1212 of the Act)

c) A PERSON WHO BELIEVES THAT THE ACT OR A RULE PROMULGATED UNDER THE ACT MAY HAVE BEEN VIOLATED MAY REQUEST AN INVESTIGATION. THE REQUEST MAY BE SUBMITTED TO THE DEPARTMENT IN WRITING, BY TELEPHONE, OR BY PERSONAL VISIT. AN ORAL COMPLAINT SHALL BE REDUCED TO WRITING BY THE DEPARTMENT. (Section 3-702(a) of the Act)

d) THE SUBSTANCE OF THE COMPLAINT SHALL BE PROVIDED TO THE LICENSEE, OWNER OR ADMINISTRATOR NO EARLIER THAN AT THE

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COMMENCEMENT OF THE ON-SITE INSPECTION OF THE FACILITY WHICH TAKES PLACE PURSUANT TO THE COMPLAINT. (Section 3-702(b) of the Act)

- e) THE DEPARTMENT SHALL NOT DISCLOSE THE NAME OF THE COMPLAINANT UNLESS THE COMPLAINANT CONSENTS IN WRITING TO THE DISCLOSURE OR THE INVESTIGATION RESULTS IN A JUDICIAL PROCEEDING, OR UNLESS DISCLOSURE IS ESSENTIAL TO THE INVESTIGATION. THE COMPLAINANT SHALL BE GIVEN THE OPPORTUNITY TO WITHDRAW THE COMPLAINT BEFORE DISCLOSURE. UPON THE REQUEST OF THE COMPLAINANT, THE DEPARTMENT MAY PERMIT THE COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY. (Section 3-702(c) of the Act)

- f) UPON RECEIPT OF A COMPLAINT, THE DEPARTMENT SHALL DETERMINE WHETHER THE ACT OR A RULE PROMULGATED UNDER THE ACT HAS BEEN OR IS BEING VIOLATED. THE DEPARTMENT SHALL INVESTIGATE ALL COMPLAINTS ALLEGING ABUSE OR NEGLECT WITHIN SEVEN DAYS AFTER THE RECEIPT OF THE COMPLAINT EXCEPT THOSE COMPLAINTS OF ABUSE OR NEGLECT WHICH INDICATE THAT A RESIDENT'S LIFE OR SAFETY IS IN IMMINENT DANGER SHALL BE INVESTIGATED WITH 24 HOURS AFTER RECEIPT OF THE COMPLAINT. ALL OTHER COMPLAINTS SHALL BE INVESTIGATED WITHIN 30 DAYS AFTER THE RECEIPT OF THE COMPLAINT. ALL COMPLAINTS SHALL BE CLASSIFIED AS "AN INVALID REPORT," "A VALID REPORT," OR "AN UNDETERMINED REPORT." "INVALID" OR "INVALID-" FOR ANY COMPLAINT CLASSIFIED AS "A VALID REPORT," "INVALID," THE DEPARTMENT MUST DETERMINE WITHIN 30 WORKING DAYS IF ANY RULE OR PROVISION OF THIS ACT HAS BEEN OR IS BEING VIOLATED. (Section 3-702(d) of the Act)

- g) UPON THE REQUEST OF A RESIDENT OR COMPLAINANT, THE DEPARTMENT MAY PERMIT THE RESIDENT OR COMPLAINANT OR A REPRESENTATIVE OF THE COMPLAINANT TO ACCOMPANY THE PERSON MAKING THE ON-SITE INSPECTION OF THE FACILITY PURSUANT TO THE COMPLAINT. (Section 3-702(c) of the Act)

- h) IN ALL CASES, THE DEPARTMENT SHALL INFORM THE COMPLAINANT OF ITS FINDINGS WITHIN TEN DAYS OF ITS DETERMINATION UNLESS OTHERWISE INDICATED BY THE COMPLAINANT, AND THE COMPLAINANT MAY DIRECT THE DEPARTMENT TO SEND A COPY OF SUCH FINDINGS TO ANOTHER PERSON. THE DEPARTMENT'S FINDINGS MAY INCLUDE CONTENTS OR DOCUMENTATION PROVIDED BY EITHER THE COMPLAINANT OR THE LICENSEE PERTAINING TO THE COMPLAINT. THE DEPARTMENT

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SHALL ALSO NOTIFY THE FACILITY OF SUCH FINDINGS WITHIN TEN DAYS OF THE DETERMINATION, BUT THE NAME OF THE COMPLAINANT OR RESIDENTS SHALL NOT BE DISCLOSED IN THIS NOTICE TO THE FACILITY. THE NOTICE OF SUCH FINDINGS SHALL INCLUDE A COPY OF THE WRITTEN DETERMINATION; THE CORRECTION ORDER, IF ANY; THE INSPECTION REPORT; OR THE WARNING NOTICE, IF ANY; AND THE STATE LICENSURE FORM ON WHICH THE VIOLATION IS LISTED. (Section 3-702(e) of the Act)

- i) A WRITTEN DETERMINATION, CORRECTION ORDER, OR WARNING NOTICE CONCERNING A COMPLAINT SHALL BE AVAILABLE FOR PUBLIC INSPECTION, BUT THE NAME OF THE COMPLAINANT OR RESIDENT SHALL NOT BE DISCLOSED WITHOUT THE CONSENT OF THE COMPLAINANT OR RESIDENT. (Section 3-702(f) of the Act)

- j) A COMPLAINANT WHO IS DISSATISFIED WITH THE DETERMINATION OR INVESTIGATION BY THE DEPARTMENT MAY REQUEST A HEARING UNDER subsection (k) of this Section ~~SUBSECTION (e) OF THIS SECTION~~. THE FACILITY SHALL BE GIVEN NOTICE OF ANY SUCH HEARING AND MAY PARTICIPATE IN THE HEARING AS A PARTY. IF A FACILITY REQUESTS A HEARING UNDER subsection (k) of this Section ~~SUBSECTION (e) OF THIS SECTION~~ WHICH CONCERNS A MATTER COVERED BY A COMPLAINT, THE COMPLAINANT SHALL BE GIVEN WRITTEN NOTICE AND MAY PARTICIPATE IN THE HEARING AS A PARTY. A REQUEST FOR A HEARING BY EITHER A COMPLAINANT OR A FACILITY SHALL BE SUBMITTED IN WRITING TO THE DEPARTMENT WITHIN 30 DAYS AFTER THE MAILING OF THE DEPARTMENT'S FINDINGS AS DESCRIBED IN SUBSECTION (h) OF THIS SECTION. UPON RECEIPT OF THE REQUEST THE DEPARTMENT SHALL CONDUCT A HEARING AS PROVIDED UNDER subsection (k) of this Section ~~SUBSECTION (e) OF THIS SECTION~~. (Section 3-702(g) of the Act)

- k) Any person aggrieved by a decision of the Department rendered in a particular case which affects the legal rights, duties or privileges created under the Act may have such decision reviewed in accordance with Sections 3-703 through 3-712 of the Act.

- l) When the Department finds that a provision of Article II of the Act regarding residents' rights has been violated with regard to a particular resident, the Department shall issue an order requiring the facility to reimburse the resident for injuries incurred, or \$100, whichever is greater.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.4510 Day Care in Long-Term Care Facilities

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- a) For a licensed long-term care facility to be approved for a day care program, it is necessary that the facility meet all licensing requirements for its level of care.
- b) In addition, the following criteria must also be met.
- 1) Staff: Sufficient and satisfactory personnel shall be on duty to provide services that meet the total needs of the day care residents, without detracting from the services given to the residents in the facility in accordance with the various staffing requirements of this Part.
 - 2) Space:
 - A) Dining - Adequate space and equipment available to accommodate the additional residents in accordance with Subparts I and K and Section 330.2870 and 330.3030 of this Part.
 - B) Activity Area - Large enough area to accommodate capacity of facility, plus additional "Day Care" residents.
 - C) Rest Area - A definite area should be designated as an area available for the Day Care resident to nap or rest. This area should be equipped with beds (roll-aways can be used) or cots and portable screens. There should also be adequate space available for personal items storage for the number of Day Care residents being cared for. Suggested areas which can be utilized for the Day Care resident could include:
 - i) Facilities having more than one communal area (such as a lounge or sunporch) could designate one of these for rest areas;
 - ii) Non-occupied rooms (no one assigned to these rooms);
 - iii) Toilets - Adequate number to accommodate extra number of residents in accordance with Sections 330.2860 or 330.3070 of this Part.
 - 3) Records:
 - A) A statement by a physician who has evaluated the resident within the last 30 days stating the resident is free of communicable and infectious disease, and indicating any medication or treatments and diet needed by the resident during the period of time in the facility. Permission should also be granted in this statement for the resident to participate in activities

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with any contraindications or limitations.

- B) Medication and Treatment record - Required for any medications or treatments given during resident stay in the facility. (Medications must be in original containers and properly labeled.)
 - C) "Face" sheet or admission sheet - Containing all pertinent information necessary for the "safe keeping" of the resident such as complete name; address, telephone number, social security number, medicare number, and age of resident; name, business, and home address, and telephone number of person to notify in an emergency; name of family physician; name of physician to call in an emergency.
 - D) Incident Report - in case of medication error or accident of any kind.
- 4) There must be written policies covering "Day Care" Service in the facility which explain implementation of this section.
 - 5) Permission for a Day Care Program requires identifying the services of the facility that will be used in the program. Examples: Activity area, dining area, administering of medications by nursing staff, physical therapy, speech, and social services.
 - 6) The maximum number of "Day Care" residents served shall be reported with the application under Section 330.160~~649~~ of this Part.
 - 7) The facility should consider the following in developing and providing "Day Care Programs":
 - A) Use of house or advisory physician for emergencies;
 - B) Insurance coverage;
 - C) Signed agreement with family or responsible individual;
 - D) Permission to be involved in activities outside of the facility (in the community);
 - E) Attendance record; and
 - F) Facility should be aware of method and time of pick-up and delivery of the Day Care residents.

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(Source: Amended at 15 Ill. Reg. _____, effective _____)

Section 330.APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)

A facility classified for intermediate care or skilled nursing care may have one or more distinct parts within the facility classified for sheltered care, if the following criteria are satisfactorily met:

1. _____ The distinct part meets the definition of "Distinct Part" as given in Section 330.230 of these standards.
2. _____ The distinct part satisfactorily meets the applicable physical plant standards for sheltered care facilities. If necessary to protect the health, welfare and safety of patients in a distinct part requiring higher standards, the Department shall require compliance with whatever additional physical plant standards are necessary in the sheltered care distinct part, to achieve this protection.
3. _____ The distinct part meets all other applicable standards for a sheltered care facility.
4. _____ There is separate nursing, auxiliary, and/or personal care staff sufficient in numbers, training, and experience for each distinct part to meet the standards applicable to the classification of the distinct part. Administrative, supervisory, and other personnel may be shared by the entire facility, if so doing does not adversely affect meeting the total needs of any of the patients and/or residents in the facility.
5. _____ No patient or resident is kept in the sheltered care distinct part who is in need of nursing care.

(Source: Repealed at 15 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

- 1) Heading of Part: Home Rule Municipal Use Tax Imposed by Municipalities Having 2,000,000 or More Inhabitants
- 2) Code Citation: 86 Ill. Adm. Code 295
- 3) Section Numbers:
295.101 New Section
295.105 New Section
295.110 New Section
295.115 New Section
295.120 New Section
Proposed Action:
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 8-11-6
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements a portion of P.A. 87-14. Section 8-11-6 of the Illinois Municipal Code was amended to provide that if a municipality of 2,000,000 or more inhabitants imposes a Home Rule Municipal Use Tax from July 1, 1991, through June 30, 1993, the tax shall be collected by the Illinois Department of Revenue. The City of Chicago has enacted such a tax which will be effective January 1, 1992. As a result, the Department must adopt rules on this subject as to how it will administer this collection responsibility.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither imposes a State mandate, nor modifies an existing mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

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Stanley T. Cichowski
Manager
Illinois Department of Revenue
Legal Services Bureau - Room 5-500
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7054

12) Initial Regulatory Flexibility Analysis:

- A Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 13, 1991
- B) Types of small businesses affected: Any small business that is involved in the sale or purchase of items of tangible personal property that is titled or registered within the corporate limits of a home rule municipality having 2,000,000 or more inhabitants with an agency of this State's government.
- C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures are required for compliance with this rulemaking.
- D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 295

HOME RULE MUNICIPAL USE TAX IMPOSED BY MUNICIPALITIES
HAVING 2,000,000 OR MORE INHABITANTS

Section:

295.101 Nature and Rate of the Tax
295.105 Items Covered
295.110 Incorporation of Use Tax Regulations by Reference
295.115 Penalties, Interest and Procedures
295.120 Effective Date

AUTHORITY: Implementing the Home Rule Municipal Use Tax Act (Ill. Rev. Stat. 1989 as amended by P.A. 87-14, ch. 120, par. 8-11-6) and authorized by Section 39b19 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b19)

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____

Section 295.101 Nature and Rate of the Tax

The corporate authorities of a home rule municipality may impose a tax upon the privilege of using, in such municipality, any item of tangible personal property which is purchased at retail from a retailer, and which is titled or registered at a location within the corporate limits of such home rule municipality with an agency of this State's government, at a rate which is an increment of 1/4% and based on the selling price of such tangible personal property, as selling price is defined in the "Use Tax Act." (Section 8-11-6(a) of the Illinois Municipal Code Ill. Rev. Stat. 1989, as amended by P.A. 87-14, ch. 24, par. 8-11-6, "The Code")) If a municipality having 2,000,000 or more inhabitants imposes the tax authorized by subsection (a) from July 1, 1991 through June 30, 1993, then the tax shall be collected by the Illinois Department of Revenue when the property is purchased at retail from a retailer in the county in which the home rule municipality imposing the tax is located, and in all contiguous counties. (Section 8-11-6(c) of the Code)

Section 295.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, watercraft, snowmobiles, and implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Part:

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a) The term "motor vehicle" includes passenger cars, trucks, buses, motorcycles and any kind of vehicle which is required to be titled under the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 1-101 et seq.), (including house trailers for which a display certificate of title is required).

M as it pertains to retailers and the use of a credit memorandum to discharge State or municipal tax liabilities, are incorporated herein by reference and made a part thereof.

b) The term "implement of husbandry" means:

Section 295.115 Penalties, Interest and Procedures

Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry provided that no farm wagon, wagon trailer or like vehicle having a capacity of more than 400 bushels or a gross weight of more than 36,000 pounds, shall be included hereunder. (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 1-130.)

All penalties (both civil and criminal), provisions concerning and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, the filing, processing and disposition of claims, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under the Home Rule Municipal Use Tax Act as under the Use Tax Act. (Ill. Rev. Stat. 1989, ch. 120, par. 439.1 et seq.)

c) The term "special mobile equipment" means":

Section 295.120 Effective Date

Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: street sweepers, ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 1-191.)

When a given Home Rule Municipal Use Tax goes into effect, it applies to purchases made on or after the effective date of the Ordinance imposing the tax. For this purpose, the date of the purchase is deemed to be the date of the delivery of the property to the purchaser. The same rule applies when determining the effective date of an increase or decrease in the rate of a Home Rule Municipal Use Tax.

d) Watercraft means every description of watercraft used or capable of being used as a means of transportation on water, except a seaplane on the water, innertube, air mattress or similar device, and boats used for concession rides in artificial bodies of water designed and used exclusively for such concessions. Section 1-2 of the Boat Registration and Safety Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 311-2). Every watercraft other than sailboards, on waters within the jurisdiction of this State, shall be numbered. (Section 3-1 of the Boat Registration and Safety Act.)

Section 295.110 Incorporation of Use Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Use Tax Rules (86 Ill. Adm. Code 150), except Subpart A as it pertains to subject matter and rate; Subpart G as it pertains to registration of out-of-State retailers; Subpart H as it pertains to deduction for collecting tax; and Subpart

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1) Heading of the Part: Retailers' Occupation Tax2) Code Citation: 86 Ill. Adm. Code 1303) Section Numbers: Proposed Action:

Amendment
130.101
Amendment
130.120
Amendment
130.401
Amendment
130.501
Amendment
130.502
Amendment
130.505
Amendment
130.510
Amendment
130.535
Amendment
130.540
Amendment
130.551
Amendment
130.815
Amendment
130.901
Amendment
130.1405
Amendment
130.1701
Amendment
130.1925
Amendment
130.2145

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 440 et seq. as amended by P.A. 87-14 and 87-207.5) A Complete Description of the Subjects and Issues Involved:

This rulemaking updates the Department's rules in response to recent legislation. Pursuant to P.A. 87-14 Sections 130.501, 130.502, 130.510, 130.535 and 130.540 are amended to require that returns due by retailers are no longer due on the last day of the month, but are now due on the twentieth day of the month. This is true for taxpayers required to file returns monthly, quarterly, annually and on a transaction by transaction basis. Section 130.551 is amended per 87-14 to require that the prepayment of Retailers' Occupation Tax on motor fuel was raised to four cents per gallon of the motor fuel, and for the first time prepayment is required for gasohol in the amount of three cents per gallon. Sections 130.120(r) and 130.2145(d) have been amended in response to P.A. 87-207 to set forth the changed tax treatment of mandatory service charges mandated by that public act. Section 130.901(f) has been modified per P.A. 87-14 to reflect that a taxpayer has 60 days, instead of 20 days, to protest a notice of tax liability and request a hearing. Sections 130.101 and 130.401 are amended to correct errors that were made when these Sections were amended in April, 1991. Section 130.1405(b)(5)(C) is amended to clarify the provision per Section 2c of the Act and Section 130.1405(c)(2) is amended to make a grammatical correction. The Department has begun to receive more and more requests from taxpayers to utilize computer-generated forms in lieu

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of the preprinted tax forms distributed by the Department. As a result, Section 130.505 has been amended to detail the standards used by the Department in approving the use of computer-generated tax forms. Section 130.815 is amended to reflect that under current law, there is no statute of limitations for issuance of a notice of tax liability where there has been a failure to file tax returns. The requirement in the rule that the failure be willful, predated the current version of the law which was changed in 1984 in such a manner that there is no requirement of willful failure. Section 130.1925 is modified to clarify the tax treatment of blacksmiths under the Service Occupation Tax.

6) Will this proposed rule replace an emergency rule currently in effect:
No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part: YesSection Numbers Proposed Action IL Register Citation

130.310 Amendment 15 Ill. Reg. 15013, 10/18/91

10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a state mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 13, 1991
- B) Types of small businesses affected: Any small business that makes sales of tangible personal property.

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C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures are required by this rulemaking.

D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendment(s) begins on the next page:

Section
130.101
130.105
130.110
130.111
130.115
130.120

Character and Rate of Tax
Responsibility of Trustees, Receivers, Executors or Administrators
Occasional Sales
Sale of Used Motor Vehicles by Leasing or Rental Business
Habitual Sales
Nontaxable Transactions

Section
130.201
130.205
130.210
130.215
130.220

The Test of a Sale at Retail
Sales for Transfer Incident to Service
Sales of Tangible Personal Property to Purchasers for Resale
Further Illustrations
Sales to Lessors of Tangible Personal Property

SUBPART B: SALE AT RETAIL

Section
130.305
130.310
130.315
130.320
130.321
130.325
130.330
130.335
130.340
130.345
130.350

Farm Machinery and Equipment
Food, Drugs, Medicines and Medical Appliances
Fuel Sold for Use in Vessels on Rivers Bordering Illinois
Gasohol
Fuel Used by Air Common Carriers in International Flights
Graphic Arts Machinery and Equipment Exemption
Manufacturing Machinery and Equipment
Pollution Control Facilities
Rolling Stock
Oil Field Exploration, Drilling and Production Equipment
Coal Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section
130.401
130.405
130.410
130.415
130.420
130.425
130.430

Meaning of Gross Receipts
How to Avoid Paying Tax on State Tax Passed on to the Purchaser
Cost of Doing Business Not Deductible
Transportation and Delivery Charges
Finance or Interest Charges--Penalties--Discounts
Traded-In Property
Deposit or Prepayment on Purchase Price

SUBPART D: GROSS RECEIPTS

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130.435 State and Local Taxes Other Than Retailers' Occupation Tax
 130.440 Penalties
 130.445 Federal Taxes
 130.450 Installation, Alteration and Special Service Charges

SUBPART E: RETURNS

Section
 130.501 Monthly Tax Returns--When Due--Contents
 130.502 Quarterly Tax Returns
 130.505 Returns and How to Prepare
 130.510 Annual Tax Returns
 130.515 First Return
 130.520 Final Returns When Business is Discontinued
 130.525 Who May Sign Returns
 130.530 Returns Covering More Than One Location Under Same Registration--Separate Returns for Separately Registered Locations
 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances
 130.540 Returns on a Transaction by Transaction Basis
 130.545 Registrants Must File a Return for Every Return Period
 130.550 Filing of Returns for Retailers by Suppliers Under Certain Circumstances
 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel
 130.555 Vending Machine Information Returns
 130.560 Verification of Returns

SUBPART F: INTERSTATE COMMERCE

Section
 130.601 Preliminary Comments
 130.605 Sales of Property Originating in Illinois
 130.610 Sales of Property Originating in Other States

SUBPART G: CERTIFICATE OF REGISTRATION

Section
 130.701 General Information on Obtaining a Certificate of Registration
 130.705 Procedure in Disputed Cases Involving Financial Responsibility Requirements
 130.710 Procedure When Security Must be Forfeited
 130.715 Sub-Certificates of Registration
 130.720 Separate Registrations for Different Places of Business of Same Taxpayer Under Some Circumstances
 130.725 Display
 130.730 Replacement of Certificate
 130.735 Certificate Not Transferable
 130.740 Certificate Required For Mobile Vending Units
 130.745 Revocation of Certificate

SUBPART H: BOOKS AND RECORDS

Section
 130.801 General Requirements
 130.805 What Records Constitute Minimum Requirement
 130.810 Records Required to Support Deductions
 130.815 Preservation and Retention of Records
 130.820 Preservation of Books During Pendency of Assessment Proceedings
 130.825 Department Authorization to Destroy Records Sooner Than Would Otherwise be Permissible

SUBPART I: PENALTIES AND INTEREST

Section
 130.901 Civil Penalties
 130.905 Interest
 130.910 Criminal Penalties

SUBPART J: BINDING OPINIONS

Section
 130.1001 When Opinions from the Department are Binding

SUBPART K: SELLERS LOCATED ON, OR SHIPPING TO, FEDERAL AREAS

Section
 130.1101 Definition of Federal Area
 130.1105 When Deliveries on Federal Areas Are Taxable
 130.1110 No Distinction Between Deliveries on Federal Areas and Illinois Deliveries Outside Federal Areas

SUBPART L: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section
 130.1201 General Information
 130.1205 Due Date that Falls on Saturday, Sunday or a Holiday

SUBPART M: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section
 130.1301 When Lessee of Premises Must File Return for Leased Department
 130.1305 When Lessor of Premises Should File Return for Leased Department
 130.1310 Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART N: SALES FOR RESALE

Section
 130.1401 Seller's Responsibility to Determine the Character of the Sale at the Time of the Sale
 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale
 130.1410 Requirements for Certificates of Resale (Repealed)
 130.1415 Resale Number--When Required and How Obtained

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130.1420 Blanket Certificate of Resale (Repealed)

SUBPART O: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section

130.1501 Claims for Credit--Limitations--Procedure
 130.1505 Disposition of Credit Memoranda by Holders Thereof
 130.1510 Refunds
 130.1515 Interest

SUBPART P: PROCEDURE TO BE FOLLOWED UPON
SELLING OUT OR DISCONTINUING BUSINESS

Section

130.1601 When Returns are Required After a Business is Discontinued
 130.1605 When Returns Are Not Required After Discontinuation of a
 Business
 130.1610 Cross Reference to Bulk Sales Regulation

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section

130.1701 Bulk Sales: Notices of Sales of Business Assets

SUBPART R: POWER OF ATTORNEY

Section

130.1801 When Powers of Attorney May be Given
 130.1805 Filing of Power of Attorney With Department
 130.1810 Filing of Papers by Agent Under Power of Attorney

SUBPART S: SPECIFIC APPLICATIONS

Section

130.1901 Addition Agents to Plating Baths
 130.1905 Agricultural Producers
 130.1910 Antiques, Curios, Art Work, Collectors' Coins, Collectors' Postage
 Stamps and Like Articles
 Auctioneers and Agents
 Barbers and Beauty Shop Operators
 Blacksmiths
 Chiropodists, Osteopaths and Chiropractors
 Computer Software
 Construction Contractors and Real Estate Developers
 Co-operative Associations
 Dentists
 Enterprise Zones
 Farm Chemicals
 Finance Companies and Other Lending Agencies - Installment
 Contracts - Repossessions
 Florists and Nurserymen
 Hatcheries
 Operators of Games of Chance and Their Suppliers

Optometrists and Opticians

Pawnbrokers

Peddlers, Hawkers and Itinerant Vendors

Personalizing Tangible Personal Property

Persons Engaged in the Printing, Graphic Arts or Related
Occupations, and Their SuppliersPersons Engaged in Nonprofit Service Enterprises and in Similar
Enterprises Operated As Businesses, and Suppliers of Such Persons

Sales by Teacher-Sponsored Student Organizations

Exemption Identification Numbers

Sales by Nonprofit Service Enterprises

Persons Who Rent or Lease the Use of Tangible Personal Property
to OthersPersons Who Repair or Otherwise Service Tangible Personal
Property

Physicians and Surgeons

Picture-Framers

Public Amusement Places

Registered Pharmacists and Druggists

Retailers of Clothing

Retailers on Premises of the Illinois State Fair, County Fairs, Art
Shows, Flea Markets and the Like

Sales and Gifts By Employers to Employees

Sales by Governmental Bodies

Sales of Alcoholic Beverages, Motor Fuel and Tobacco Products

Sales of Automobiles for Use In Demonstration

Sales of Containers, Wrapping and Packing Materials and Related
ProductsSales To Construction Contractors, Real Estate Developers and
Speculative BuildersSales to Governmental Bodies, Foreign Diplomats and Consular
PersonnelSales to or by Banks, Savings and Loan Associations and Credit
Unions

Sales to Railroad Companies

Sellers of Gasohol, Coal, Coke, Fuel Oil and Other Combustibles

Sellers of Feeds and Breeding Livestock

Sellers of Newspapers, Magazines, Books, Sheet Music and
Phonograph Records and Their Suppliers

Sellers of Seeds and Fertilizer

Sellers of Machinery, Tools and the Like

Suppliers of Persons Engaged in Service Occupations and
Professions

Trading Stamps and Discount Coupons

Undertakers and Funeral Directors

Vending Machines

Vendors of Curtains, Slip Covers, Floor Covering and Other Similar
Items made to Order

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130.2145 Vendors of Meals
 130.2150 Vendors of Memorial Stones and Monuments
 130.2155 Vendors of Signs
 130.2156 Vendors of Steam
 130.2160 Vendors of Tangible Personal Property Employed for Premiums, Advertising, Prizes, Etc.
 130.2165 Veterinarians
 130.2170 Warehousemen
 130.ILLUSTRATION A: Examples of Tax Exemption Cards

AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 440 et seq.) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b3).

SOURCE: Adopted July 1, 1933; amended at 2 Ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 Ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 Ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 Ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 Ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 Ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 Ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 Ill. Reg. 818, effective January 2, 1981; amended at 5 Ill. Reg. 3014, effective March 11, 1981; amended at 5 Ill. Reg. 12782, effective November 2, 1981; amended at 6 Ill. Reg. 2860, effective March 3, 1982; amended at 6 Ill. Reg. 6780, effective May 24, 1982; codified at 6 Ill. Reg. 8229; recodified at 6 Ill. Reg. 8999; amended at 6 Ill. Reg. 15225, effective December 3, 1982; amended at 7 Ill. Reg. 7990, effective June 15, 1983; amended at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August

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30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at ___ Ill. Reg. ___, effective _____.

SUBPART A: NATURE OF THE TAX

Section 130.101 Character and Rate of Tax

The Retailers' Occupation Tax Act (The Act) (Ill. Rev. Stat. 1989, ch. 120, pars. 440 et seq.) imposes a tax upon persons engaged in this State in the business of selling tangible personal property to purchasers for use or consumption. The tax is measured by the seller's gross receipts from such sales made in the course of such business. (For further information concerning "Gross Receipts", see Subpart D of this Part.)

a) How to Determine Effective Rate

1) For the purposes of the Retailers' Occupation Tax Act, any tax liability incurred in respect to a sale of tangible personal property made in the regular course of business shall be computed by applying, to the gross receipts from such sale, the tax rate in effect as of the date of delivery of such property, provided that if delivery occurs after the tax rate changes, in a transaction in which receipts were received before the date of the rate change and tax was paid on such receipts when received by the seller in accordance with Section 130.430 of this Part at the rate which was in effect when the seller received such receipts, no additional tax will be due or credit allowed because of the delivery of the property occurring after the rate changes.

2) Furthermore, in the case of sales of building materials to real estate improvement construction contractors for use in performing construction contracts for third persons, if such property is delivered to the contractor after the effective date of a rate increase but will be used in performing a binding construction contract which was entered into before the effective date of the increase and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the applicable tax rate will be the rate which was in effect before the effective date of the rate increase. Before a supplier may deliver materials to a construction contractor after the effective date of a tax rate increase at the rate which was in effect prior thereto, the purchasing contractor must give such supplier a written, signed certification stating that specifically described materials are being purchased for use in performing a binding contract which was entered into before the effective date of the rate

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increase (specifying such date) and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, identifying the construction contract in question by its date and by naming the contractor's construction work involved, and by giving the location on the job site where the construction contract is being performed or is to be performed.

b) Tax Rate in Effect

The effective rate from January 1, ~~1984~~ 1985, through December 31, 1989, is 5%. On and after January 1, 1990, the effective rate is 6.25%.

c) Effective Date of New Taxes

When something that has been exempted becomes taxable as to sales that are made on and after some particular date, the date of sale for this purpose shall be deemed to be the date of the delivery of the property. This is true even if such delivery is made under a contract that was entered into before the effective date of the new tax.

d) Relation of Retailers' Occupation Tax to Use Tax

The Retailers' Occupation Tax is an occupation tax whose legal incidence is on the seller, rather than on the purchaser. However, with the enactment of the Use Tax Act in 1955 (Ill. Rev. Stat. 1989, ch. 120, pars. 439.1 et seq.), the retailer became a tax collector under that Act and is required to comply with the bracket systems or tax collection schedules prescribed in the Department's Use Tax Regulations for the collection of the Use Tax by retailers from users. There no longer is any occasion for the retailer to shift the burden of the Retailers' Occupation Tax since he will reimburse himself for his Retailers' Occupation Tax liability by collecting the Use Tax from his customers.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.120 Nontaxable Transactions

The tax does not apply to receipts from sales:

- a) Of intangible personal property, such as shares of stocks, bonds, evidences of interest in property, corporate or other franchises and evidences of debt;

- b) of real property, such as lands and buildings that are permanently attached to the land;
- c) of tangible personal property for purposes of resale in any form as tangible personal property, provided that the purchaser (except in the case of an out-of-State purchaser who will always resell and deliver the property to his customers outside Illinois) has an active registration number or active resale number from the Department and gives such number to the vendor in connection with certifying to the vendor that the sale to such purchaser is nontaxable on the ground of being a sale for resale (see Subparts B and N of this Part);
- d) of personal services, where rendered as such (see various rules relating to particular service occupations); however, for information concerning the tax on persons engaged in the business of making sales of service, see the Regulations pertaining to the Service Occupation Tax Act (86 Ill. Adm. Code 140);
- e) which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
- f) which are isolated or occasional (see Section 130.110 of this Subpart);
- g) of newspapers and magazines (see Section 130.2105 of this Part);
- h) which are made to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes, or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age or older (see Section 130.2005 of this Part);
- i) which are made to any governmental body (see Section 130.2080 of this Part);
- j) of pollution control facilities (see Section 130.335 of this Part);
- k) of fuel consumed or used in the operation of ships, barges or vessels which are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if such fuel is delivered by the seller to the purchaser's barge, ship or vessel while it is afloat upon such bordering river (see Section 130.315 of this Part);

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- l) of tangible personal property to interstate carriers for hire for use as rolling stock moving in interstate commerce (see Section 130.340 of this Part);
- m) of a motor vehicle in this State to a nonresident even though such motor vehicle is delivered to such nonresident in this State, if such motor vehicle is not to be titled in this State, and if a driveway decal permit is issued to such motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, par. 3-603), or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his home state;
- n) of merchandise in bulk when sold from a vending machine for 1 (see Section 130.2135 of this Part);
- o) of food and beverages by a person who is the recipient of a grant or contract under Title VII of the Older Americans Act of 1965 (Title 42, USC 3021) and serves meals to participants in the Federal Nutrition Program for the Elderly in return for contributions established in amount by the individual participant pursuant to a schedule of suggested fees as provided for in the Federal Act;
- p) of farm chemicals (see Section 130.1955 of this Part);
- q) of manufacturing machinery and equipment that qualifies for exemption under provisions of Section 130.330 of this Part;
- r) effective September 3, 1991, of services included in gross receipts for purposes of the Retailers' Occupation Tax and which are designated mandatory service charges by vendors of meals to the extent provided that all of the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which ~~would normally have received tips had the service charge imposed policy not been introduced. Service charges which are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business are taxable gross receipts;~~
- s) of any petroleum product, if the seller is prohibited by Federal law from charging tax to the purchaser;
- 1) For example, federal law prohibits sellers from charging tax to Amtrak when it purchases petroleum products. However, federal law does not relieve the seller of Retailers' Occupation Tax liability in these transactions. For that reason, the exemption set out in this subsection is necessary

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- to relieve the seller of Retailers' Occupation Tax liability when making sales of petroleum products to Amtrak.
- 2) The nontaxable transaction set out above is also applicable to local Retailers' Occupation Taxes imposed by municipalities, counties, the Regional Transportation Authority and the Metro East Mass Transit District. However, these local taxes may be reimposed on this otherwise.
- t) of farm machinery and equipment, both new and used including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture, or State or Federal agricultural programs, including individual replacement parts for the machinery and equipment and including machinery and equipment purchased for lease (see Section 130.305);
- u) of distillation machinery and equipment sold as a unit or kit, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as a motor fuel or as a component of motor fuel for the personal use of the user and not subject to sale or resale;
- v) of graphic arts machinery and equipment, including repair and replacement parts (see Section 130.325);
- w) a motor vehicle of the First Division, a motor vehicle of the Second Division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk-through access to the living quarters from the driver's seat, or a motor vehicle of the Second Division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code that is used for automobile renting as defined in the Automobile Renting Occupation and Use Tax Act;
- x) of personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois (see Section 130.2006);
- y) of that portion of the selling price of a passenger car, the sale of which is subject to the Replacement Vehicle Tax of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 3-2001 et seq.);
- z) of personal property sold to an Illinois County Fair Association for use in conducting, operating or promoting the county fair;
- aa) of personal property sold to any not-for-profit music or dramatic arts organization that establishes that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 U.S.C.A. 501) and

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that is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis;

- bb) of personal property sold by a corporation, society, association, foundation, institution or organization that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise (See Section 130.2008);
- cc) of legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America or the government of any foreign country and bullion;
- dd) of oil field exploration, drilling and production equipment costing \$250 or more (see Section 130.345);
- ee) of photoprocessing machinery and equipment, including repair and replacement parts (see Section 130.2000);
- ff) of coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment costing \$250 or more, including replacement parts and equipment costing \$250 or more (see Section 130.350), and
- gg) of fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment or storage in the conduct of its business as an air common carrier, for a flight destined for a destination outside the United States (Section 2-5 of the Act) (See Section 130.321).

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.401 Meaning of Gross Receipts

- a) Filing Returns on a Gross Sales Basis

Deferred payments made by purchasers are not included in gross receipts until actually received by the seller, unless a seller keeps his books on a gross sales basis, rather than on a gross receipt basis. If a seller desires to file returns on a gross sales basis, he shall notify the Department, in writing, of his intention to change reporting methods. In order to change back from the gross sales to the gross receipts method, the following procedure must be utilized. When a seller makes this change, it should use the "wash-out" procedure to reduce reporting problems when receipts on account are received in a month subsequent to the month of sale when a reporting change basis from gross sales to gross receipts has been made.

EXAMPLE: Assume a seller wishes to make a change effective with the reporting month of August, 1990. Under the "wash-out" procedure, it should calculate the unpaid taxable accounts receivable on its books as of the end of the last business day (July 31, 1990) prior to the first of the month (August 1, 1990) change-over from the accrual to the receipts basis. The taxpayer should then consider all taxable receipts on account to be receipts on which the tax has already been paid (on a sales basis prior to the change-over) until such time as those receipts equal the total of the taxable accounts receivable that it had previously calculated on July 31, 1990 (the day prior to the change-over). Once that point is reached, all subsequent receipts, even those from sales prior to the change-over, should be reported as taxable receipts.

b) Returned Merchandise

Any seller may deduct from his gross receipts any refunds made by him during the preceding return period to purchasers, on account of tangible personal property returned to the seller, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return made by him, and had paid the tax imposed by the Retailers' Occupation Tax Act with respect to such receipts. However, if the seller collected the Use Tax on such a sale, he should refund such tax to his customer to whom he makes a refund of the selling price.

(Source: Amended at 15 Ill. Reg. _____, effective _____)

SUBPART E: RETURNS

Section 130.501 Monthly Tax Returns--When Due--Contents

- a) Except as provided in Sections 130.502, 130.510 and 130.2045, on or before the twentieth last day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department for such preceding month, stating the name of the seller; his residence address and the address of his principal place of business, and the address of the principal place of business (if that is a different address) from which he engaged in the business of selling tangible personal property at retail in this State.
- b) In addition, the return shall disclose the following:
 - 1) Total Receipts for the Month from Sales of Tangible Personal Property and Services. Real estate builders and construction contractors, who are also retailers, and who assume the

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responsibility for accounting for the tax on building materials which they purchase, must include, in total receipts, not only their receipts from "over-the-counter" resales of such materials, but also their cost prices of such materials which they convert into real estate (See Section 130.2075 of this Part). This may be accomplished in the case of a construction contractor by including his receipts from construction contracts in total receipts and by deducting such receipts from total receipts only to the extent to which such receipts exceed the cost price to the contractor of the tangible personal property which he incorporates into real estate as a construction contractor.

2) Deductions Allowed by Law

The taxpayer should include in his total receipts, but should deduct before computing the amount of tax:

- A) taxes collected from sales of the following:
 - i) general merchandise retail sales,
 - ii) general merchandise service sales,
 - iii) food, drugs and medical appliances retail sales,
 - iv) food, drugs and medical appliances service sales.
- B) receipts from sales of tangible personal property for purposes of resale in any form as tangible personal property (see Subparts B and N of this Part);
- C) receipts from sales which are within the protection of the Commerce Clause of the Constitution of the United States (see Subpart F of this Part);
- D) cash refunds for returned merchandise (see Section 130.401 of this Part);
- E) receipts from the sales of newspapers and magazines (see Section 130.2105 of this Part);
- F) State motor fuel taxes collected;
- G) the exempt percentage of the receipts from sales of gasohol (see Section 130.320 of this Part);

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- H) receipts from sales of any kind to any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which is organized and operated primarily for the recreation of persons 55 years of age and older (see Section 130.2005 of this Part);
 - I) receipts from sales of any kind to a governmental body (see Section 130.2080 of this Part);
 - J) receipts from nontaxable sales of service;
 - K) any other deduction allowed by law, such as receipts from isolated or occasional sales (see Subpart A of this Part); Federal taxes that are imposed at the level of the retail sale, but not Federal excise taxes on manufacturers, etc. (see Section 130.445 of this Part), etc;
 - L) total of all deductions allowed by law.
- 3) Total Taxable Receipts which are obtained by subtracting deductions from total receipts.
- 4) The Amount of Tax Due
- A) An allowance to reimburse the taxpayer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request in the amount of 1.75% of tax due may be subtracted from the amount of tax due. The minimum discount, over the entire period of any given calendar year, for any single taxpayer (if the taxpayer incurs that much tax liability) shall be \$5.00 for such calendar year. This allowance is available when the tax is remitted with a return that is filed when due under the Act, but is not available in any case in which the tax is paid late (with or without a return, and whether formally assessed by the Department or not). In the case of retailers who report and pay the tax on a transaction by transaction basis, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return;

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B) Balance of Tax Due

- i) The return should also show the amount of penalty (if any) that is due, the total of the tax and penalty due, and such other reasonable information as the Department may require.
- ii) If a total amount of less than \$1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to \$1 if it is 50 cents or more. Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents (Section 3 of the Act).

- iii) The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the last day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the last day of the following calendar month, stating:

the name of the seller;

the address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

the total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

the amount of credit provided in Section 2d of this Act;

the amount of tax due;

the amount of penalty due, if any; and

such other reasonable information as the Department may require. (See Section 3 of the Act)

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.502 Quarterly Tax Returns

- a) If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed \$200.00, the Department may authorize his returns to be filed on a quarter-annual basis, with the return for January, February and March of a given year being due by April 20 20 of such year; with the return for April, May and June of a given year being due by July 20 24 of such year; with the return for July, August and September of a given year being due by October 20 24 of such year, and with the return for October, November and December of a given year being due by January 20 24 of the following year.
- b) The decision to permit quarterly filing will be based on the taxpayer's average monthly liability during the first year of registration. All taxpayers are required to file monthly returns unless authorized or required to file on a quarterly or annual basis.
- c) Such quarterly returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.505 Returns and How to Prepare

- a) Returns shall be filed on forms prescribed and furnished by the Department. It is the duty of the taxpayer to obtain forms, and failure to obtain them will not be an excuse for failure to file returns when and as required by law.
- b) In determining the amount of the tax, taxpayers should not include in their return receipts from sales:
- 1) of intangible personal property, such as shares of stocks bonds, evidences of interest in property, corporate or other franchises and evidences of debt, and
 - 2) of real property, such as lands and buildings that are permanently attached to the land.

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c) The Department will authorize the filing of computer-generated returns by taxpayers. Taxpayers must obtain approval of the computer-generated returns prior to use. Taxpayers seeking information as to the procedures to be utilized in obtaining authorization for use of computer-generated returns should contact the Department's Taxpayer Information Division. The computer-generated returns will be approved if the following requirements are met:

- 1) The returns must contain the same information as the respective return printed by the Department of Revenue;
- 2) The information contained on the return must be in the same format as the respective return printed by the Department of Revenue;
- 3) The computer-generated returns must be on the same size paper as those printed by the Department of Revenue;
- 4) In addition to the requirements stated above, the return must otherwise be similar to the respective return printed by the Department.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.510 Annual Tax Returns

- a) If the retailer's average monthly tax liability to the Department does not exceed \$50.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20th of the following year. The decision to permit annual filing will be based upon the taxpayer's average monthly liability during the first year of registration, or the first quarter of registration if the average monthly liability is less than \$12.50. All taxpayers are required to file monthly returns unless authorized or required to file on a quarterly or an annual basis.
- b) Such annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.535 Payment of the Tax, Including Quarter Monthly Payments in Certain Instances

- a) Except as noted hereinafter, at the same time that a tax return required by the provisions of the Act is filed with the Department,

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the taxpayer shall pay the tax that is due with such return to the Department.

- b) If the taxpayer's average monthly tax liability to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act, the Service Use Tax Act, was \$10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the twentieth day end of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such payments shall be credited against the final tax liability of the taxpayer's return for that month. If any such payment is not paid at the time required herein, then the taxpayer's 2%, 2.1% or 1.75% vendors' discount shall be reduced by 2%, 2.1% or 1.75% of the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, and the taxpayer shall be liable for penalties and interest on such difference except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section.

- c) Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of \$25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is \$25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except

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insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due. (Section 3 of the Act)

d) If any such payment or deposit provided for herein exceeds the taxpayer's present and probable future liabilities under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, the Department shall issue to the taxpayer a credit memorandum, which may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act.

e) Any deposit previously made by a taxpayer who is required to make quarter monthly payments shall be applied against the taxpayer's liability to the Department under the Retailers' Occupation Tax Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act for the month preceding the first month in which the taxpayer is required to make such quarter monthly payments. If the deposit exceeds that liability, the Department shall issue the taxpayer a credit memorandum for the excess.

f) For the purposes of this Section, the phrase "preceding 4 complete calendar quarters" means the preceding 4 complete calendar quarters for which returns would have been filed or should have been filed for the last month of the 4 quarter period since, until then, the making of the required computations for the 4 quarter period would be impossible. For example, the preceding 4 complete calendar quarters with reference to a November 1, 1976, date would actually have ended June 30, 1976, since most returns for the last month of that 4 quarter period would not have to have been filed until July 31, 1976, and the preceding 4 complete calendar quarters with reference to a July 1, 1977, date would actually end March 31, 1977, since most returns for the last month of that 4 quarter period would not have to be filed until April 30, 1977. The calendar quarters are January through March, April through June, July through September and October through December.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.540 Returns on a Transaction by Transaction Basis

a) Who Must File Transaction Reporting Returns

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In addition, with respect to motor vehicles and aircraft (and implements of husbandry or special mobile equipment for which the purchaser intends to apply for an optional title), every retailer selling this kind of tangible personal property in Illinois shall file, with the Department, upon a form prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells.

b) Function And Contents Of Transaction Reporting Returns

1) The transaction reporting return prescribed and supplied to retailers by the Department not only shall serve as such return, but also may serve as the dealer's invoice to the purchaser. Such forms will be numbered. The Department will keep a record of all of these forms which it supplies to a given retailer, and he is responsible for accounting to the Department for all such forms. If a transaction reporting return form should be spoiled, the retailer should mark it "voided" and send it back to the Department. Transaction reporting returns are not transferable by one retailer to another, but must be filed with or otherwise accounted for to the Department by the retailer to whom the particular forms are issued by the Department.

2) Such transaction reporting return must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of Use Tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold, and such other information as the Department may reasonably require.

c) Transaction Reporting Returns, When Due, Transaction Reporting Returns in Lieu of Monthly Returns

1) Such transaction reporting return shall be filed not later than 20 30 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so.

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- 2) If a retailer's sales of tangible personal property are limited to sales of motor vehicles or aircraft, or both, so that all of his Retailers' Occupation Tax liability is required to be reported, and is reported, on such transaction reporting returns, and such retailer is not otherwise required to file monthly returns, such retailer need not file monthly returns.
- 3) If a retailer of motor vehicles or aircraft, or both, need not file a monthly return, such retailer shall be required to file returns on an annual basis.

d) Transmittal Of Transaction Reporting Return By Way Of Tiling Or Registering Agency

The transaction reporting return and tax remittance or proof of exemption may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

e) Submission Of Tax Or Proof Of Exemption With Transaction Reporting Returns--Issuance of Use Tax Receipt Or Exemption Determination By Department of Revenue

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a Use Tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

f) Issuance of Title or Registration Where Retailer Fails Or Refuses To Remit Tax Collected By Retailer From User

No retailer's failure or refusal to remit tax hereunder shall preclude a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer.

g) Direct Payment Of Tax By User To Department On Intrastate Purchase Under Certain Circumstances

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If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 1.75% discount being allowed. When the user pays the tax directly to the Department as aforesaid, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 130.551 Prepayment of Retailers' Occupation Tax on Motor Fuel

a) Every distributor, supplier or other reseller of motor fuel registered under the Motor Fuel Tax Law shall remit the Retailers' Occupation Tax prepayment due from a person engaged in the business of selling any motor fuel, except liquid propane gas ~~or gasoline~~, at retail and who is not a licensed distributor or supplier, as defined in Sections 3 or 3a, respectively, of the Motor Fuel Tax Law. (Ill. Rev. Stat. 1989 ~~1985~~, ch. 120, pars. 419 and 419(a)).

b) The Retailers' Occupation Tax paid to such distributor, supplier or other reseller of motor fuel shall be an amount equal to ~~four three~~ cents per gallon of the motor fuel, except for gasoline as defined in Section 2-10 of the Act which shall be an amount equal to ~~three~~ cents per gallon, purchased from such distributor, supplier or other reseller.

c) The distributor, supplier or other reseller required to remit such Retailers' Occupation Tax shall file returns and deliver statements of the tax paid in accordance with Sections 2e and 2f of this Act.

d) The vendor's discount provided in Section 3 of the Retailers' Occupation Tax Act shall not apply to the amount of prepaid tax which is remitted to the Department. (Ill. Rev. Stat. 1985, ch. 120, pars. ~~441d, 441e and 441f~~).

(Source: Amended at ____ Ill. Reg. _____, effective ____)

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Section 130.815 Preservation and Retention of Records

- a) Books and records and other papers reflecting gross receipts received during any period with respect to which the Department is authorized to issue Notices of Tax Liability as provided by Sections 4 and 5 of the Act shall be preserved until the expiration of such period unless the Department, in writing, shall authorize their destruction or disposal prior to such expiration.
- b) In determining the period for which the Department is authorized to issue a Notice of Tax Liability, the following material from Sections 4 and 5 of the Act must be considered.
 - c) Except in case of ~~wilful~~ failure or refusal to file a return, or except in case of a fraudulent return (in which two instances, there is no statute of limitations), or except in the case of an amended return (where a Notice of Tax Liability may be issued on or after each January 1 and July 1 for an amended return filed not more than 3 years prior to such January 1 or July 1, respectively), or except with the consent of the person to whom the Notice of Tax Liability is to be issued, no Notice of Tax Liability shall be issued on and after each January 1 and July 1 covering gross receipts received during any month or period of time more than 3 years prior to such January 1 and July 1, respectively.

- 1) Provided, however, that the foregoing limitations upon the issuance of a Notice of Tax Liability shall not apply to the issuance of a Notice of Tax Liability with respect to any period of time prior thereto in cases where the Department has, within the period of limitation then provided notified the person making the return of a Notice of Tax Liability even though such return, with which the tax that was shown by such return to be due was paid when the return was filed, had not been corrected by the Department in the manner required by Section 4 of the Act prior to the issuance of such notice, and

- 2) provided that the foregoing limitations upon the issuance of a Notice of Tax Liability shall not apply to the issuance of any such Notice with respect to any period of time prior thereto in cases where the Department has, within the period of limitation then provided, notified a person of the amount of tax computed even though the Department had not determined the amount of tax due from such person in the manner required by Section 5 of the Act prior to the issuance of such Notice; but in no case shall the amount of any such Notice of Tax Liability for any period otherwise

barred by the Act exceed for such period the amount shown in the Notice of Tax Liability theretofore issued.

- 3) If, when a tax or penalty or interest under the Act becomes due and payable, the person alleged to be liable therefor shall be out of the State, the Notice of Tax Liability may be issued, within the times limited by the Act, after his coming into or return to the State; and if, after the tax or penalty or interest under the Act becomes due and payable, the person alleged to be liable therefor departs from and remains out of the State, the time of his absence is no part of the time limited for the issuance of the Notice of Tax Liability; but the foregoing provisions concerning absence from the State shall not apply to any case in which, at the time when a tax or penalty or interest becomes due under the Act, the person allegedly liable therefor is not a resident of this State.

- 4) The time limitation period on the Department's right to issue a Notice of Tax Liability shall not run during any period of time in which the Order of any Court has the effect of enjoining or restraining the Department from issuing the Notice of Tax Liability.

(Source: Amended at — Ill. Reg. —, effective —)

SUBPART I: PENALTIES AND INTEREST

Section 130.901 Civil Penalties

The Retailers' Occupation Tax Act provides the following penalties for violations of the Act or of any Regulation of the Department issued pursuant thereto:

- a) Filing an Incorrect Return

"If the tax computed upon the basis of the gross receipts as fixed by the Department is greater than the amount of tax due under the return or returns as filed, the Department shall (or if the tax or any part thereof that is admitted to be due by a return or returns, whether filed on time or not, is not paid, the Department may) issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty of 10% thereof: *Provided, that if the incorrectness of any return or returns as determined by the Department is due to fraud, said penalty shall be 30% of the tax due*" (Section 4 of the Act). The above-quoted penalties apply on or after January 1, 1988.

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- b) Failure to File Return When Required, but Payment Prior to Notice of Tax Liability

"In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a notice of tax liability under this section, files a return and pays the tax, he shall also pay a penalty of 10% of the amount of the tax." (Section 5 of the Act)

- 1) The above-quoted penalty applies January 1, 1988.

A) EXAMPLE: The taxpayer's return for November 1987, is required to be filed on or before December 31, 1987. The taxpayer files the return on January 10, 1988. Because the return is filed late in January 1988, it is subject to the 10% penalty rate that went into effect January 1, 1988.

B) EXAMPLE: The taxpayer's return for October 1987, is required to be filed on or before November 30, 1987. The taxpayer files the return on December 12, 1987. Because the return is filed late during December 1987, it is subject to the 7.5% penalty rate that was in effect during December 1987.

- 2) As to tax liability incurred before November 1, 1987, but on or after December 1, 1984, the penalty in this situation is 7.5%.

- c) Filing Return at Required Time but Failure to Pay Tax

"In case any person engaged in the business of selling tangible personal property at retail files the return at the time required by the Act but fails to pay the tax, or any part thereof, when due, a penalty of 10% of the amount of the tax unpaid when due shall be added thereto." (Section 5 of the Act)

- 1) The above-quoted penalty applies on or after January 1, 1988.

- 2) As to tax liability incurred before January 1, 1988, but on or after December 1, 1984, the penalty in this situation is 7.5%.

- d) Filing Late Return Without Payment of Entire Tax

"In case any person engaged in the business of selling tangible personal property at retail fails to file a return when and as herein required, but thereafter, prior to the Department's issuance of a

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notice of tax liability under this section, files a return but fails to pay the entire tax, a penalty of 10% of the full amount of tax shown by such return shall be added thereto." (Section 5 of the Act)

- 1) The above-quoted penalty applies on or after January 1, 1988.

- 2) As to tax liability incurred before January 1, 1988, but on or after December 1, 1984, the penalty in this situation is 7.5%.

- e) Failure to File Return When Required, and Failure to Pay Prior to Notice by Department

"In case any person engaged in the business of selling tangible personal property at retail fails to file a return, the Department shall determine the amount of tax due from him according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination. . . . The Department shall issue the taxpayer a notice of tax liability for the amount of tax claimed by the Department to be due, together with a penalty of 30% thereof." (Section 5 of the Act)

- 1) The above-quoted penalty applies to tax liability incurred on or after December 1, 1984.

- 2) As to tax liability incurred before December 1, 1984, but after July 1, 1965, the penalty in this situation is 20%.

- f) Effect of a Taxpayer's Bankruptcy Filing Upon a Notice of Tax Liability

Generally, if a protest to a notice of tax liability and a request for hearing is not filed within 60 days after issuance of a notice of tax liability (NTL), such notice of tax liability shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment. (See Section 5 of the Act) However, if prior to the issuance of the NTL, a taxpayer has filed a petition in U.S. Bankruptcy Court and the automatic stay is still in effect, or if a taxpayer files such a petition within 60 days of the issuance of an NTL, the automatic stay prevents any pre-petition liability included in the NTL from becoming final even though not protested within 60 days of the issuance of the NTL. If any pre-petition tax included in the NTL is not paid to the Department through the bankruptcy proceeding, adjudicated by the bankruptcy court, or discharged by the bankruptcy court, the taxpayer has 60 days

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after termination of the automatic stay to protest the pre-petition liability and request an administrative hearing pursuant to 86 Ill. Adm. Code 200.

- g) Over-Collection of Tax, or Collection of Tax on Nontaxable Receipts
- "If a seller collects an amount (however designated) that purports to reimburse the seller for retailers' occupation tax liability measured by receipts that are not subject to retailers' occupation tax, or if a seller, in collecting an amount (however designated) that purports to reimburse the seller for retailers' occupation tax liability measured by receipts that are subject to tax under the Act, collects more from the purchaser than the seller's retailers' occupation tax liability on the transaction, the purchaser shall have a legal right to claim a refund of that amount from the seller. If, however, that amount is not refunded to the purchaser for any reason, the seller is liable to pay that amount to the Department. This paragraph does not apply to an amount collected by the seller as reimbursement for the seller's retailers' occupation tax liability on receipts that are subject to tax under this Act as long as such collection is made in compliance with the tax collection brackets prescribed by the Department in its rules and regulations." (Section 2-40 of the Act)*

h) Filing Late Return Due to "Reasonable Cause"

- 1) "However, where the failure to file any tax return required under this Act on the date prescribed therefor (including any extensions thereof), is shown to be unintentional and nonfraudulent and has not occurred in the 2 years immediately preceding the failure to file on the prescribed date or is due to . . . other reasonable cause the penalties imposed by this Act shall not apply." (Section 5 of the Act)
- 2) In general, a "reasonable cause" for the failure to file any return would be what is acceptable to the federal government for federal income tax purposes as a "reasonable cause" for failure to file a federal income tax return.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

Section 130.1405 Seller's Responsibility to Obtain Certificates of Resale and Requirements for Certificates of Resale

- a) Except in the case of sales to totally exempt purchasers, when sales for resale are made, sellers should, for their protection, take a Certificate of Resale from the purchaser. Mere statements by sellers that property was sold for resale will not be accepted by the

Department without corroborative evidence. Certificates of Resale may be made a part of purchase orders signed by the purchaser.

- b) A Certificate of Resale is a statement signed by the purchaser that the property purchased by him is purchased for purposes of resale. Provided that this statement is correct, the Department will accept Certificates of Resale as prima facie proof that sales covered thereby were made for resale. In addition to the statement, a Certificate of Resale must contain:

- 1) The seller's name and address;
 - 2) the purchaser's name and address;
 - 3) a description of the items being purchased for resale;
 - 4) purchaser's signature and date of signing;
 - 5) Registration Number, Resale Number, or Certification of Resale to Out-of-State Purchaser
- A) purchaser's registration number with the Illinois Department of Revenue; or
- B) purchaser's resale number issued by the Department of Revenue, or
- C) a statement that the purchaser is an out-of-State purchaser who will sell always resell and deliver only to purchasers located outside the State of Illinois.

- c) If all of a purchaser's purchases are for resale, a purchaser may provide a blanket Certificate of Resale to a seller.

- 1) While there is no statutory requirement that blanket Certificates of Resale be renewed at certain intervals, blanket Certificates should be updated periodically, and no less frequently than every three years.

- 2) If a purchaser knows that a certain percentage of all purchases from a given seller will be made for purposes of resale, he the seller may accept a blanket Certificate of Resale from the purchaser stating that a designated percentage of the sales made by such seller to such purchaser will be made for purposes of resale.

- d) Failure to present an active registration number or resale creates a presumption certification to the seller that a sale is for resale creates a presumption

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that a sale is not for resale. This presumption may be rebutted by other evidence that all of the seller's sales are sales for resale, or that a particular sale is a sale for resale (Section 2c of the Act).

(Source: Amended at ____ Ill. Reg. _____, effective _____)

SUBPART Q: NOTICE OF SALES OF GOODS IN BULK

Section 130.1701 Bulk Sales: Notices of Sales of Business Assets

a) If any taxpayer, outside the usual course of his business, sells or transfers the major (greater than 50%) part of any one or more of

- 1) the stock of goods which he is engaged in the business of selling, or
- 2) the furniture or fixtures, or
- 3) the machinery and equipment,

4) the real property of any business that is subject to the provisions of the Act, the purchaser or transferee of such assets shall, no later than 10 days after the sale or transfer, file a notice of sale or transfer of business assets with the Chicago Office of the Department disclosing the name and address of the seller or transferor, the name and address of the purchaser or transferee, the date of the sale or transfer, a copy of the sales contract and financing agreements which shall include a description of the property sold, the amount of the purchase price or a statement of other consideration for the sale or transfer, the terms for payment of the purchase price and such other information as the Department may reasonably require. If the purchaser or transferee fails to file the above-described report of sale with the Department within the prescribed time, the purchaser or transferee shall be personally liable for the amount owed hereunder by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee. The seller or transferor shall pay the Department the amount of tax, penalty and interest (if any) due from him under the Act up to the date of the payment of tax. The seller or transferor, or the purchaser or transferee, at least 10 days before the date of the sale or transfer, may notify the Department of the intended sale or transfer and request the Department to audit the books and records of the seller or transferor or to do whatever else may be necessary to determine how much the seller or transferor owes to the Department under the

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Act up to the date of the sale or transfer. The Department shall take such steps as may be appropriate to comply with such request.

b) Any order issued by the Department pursuant to the Act and this Section to withhold from the purchase price shall be issued within 10 days after the Department receives notification of a sale as provided in the Act and this Section. The purchaser or transferee shall withhold such portion of the purchase price as may be directed by the Department, but not to exceed a minimum amount varying by type of business plus twice the outstanding unpaid liabilities and twice the average liability of preceding filings times the number of unfilled returns to cover the amount of all tax, penalty and interest due and unpaid by the seller or transferor under the Act or, if the payment of money or property is not involved, shall withhold the performance of the condition that constitutes the consideration for the sale or transfer. Within 60 days of the issuance of the initial order to withhold, the Department shall provide written notice to the purchaser or transferee of the actual amount of all taxes, penalties and interest then due and whether or not additional amounts may become due as a result of unfilled returns, pending assessments and audits not completed. The purchaser or transferee shall continue to withhold the amount directed to be withheld by the initial order or to withhold the performance of the condition which constitutes the consideration for the sale or transfer until the purchaser or transferee receives from the Department a certificate showing that such tax, penalty and interest have been paid or a certificate from the Department showing that no tax, penalty or interest is due from the seller or transferor under the Act.

c) The purchaser or transferee is relieved of any duty to continue to withhold from the purchase price and of any liability for tax, penalty or interest due under the Act from the seller or transferor if the Department fails to notify the purchaser or transferee in the manner provided herein of the amount to be withheld within 10 days after the sale or transfer has been reported to the Department or within 60 days after issuance of the initial order to withhold as the case may be. The Department shall have the right to determine amounts claimed on an estimated basis to allow for non-filed periods, pending assessments and audits not completed. However, the purchaser or transferee shall be personally liable only for the actual amount due when determined.

d) If the seller or transferor fails to pay the tax, penalty and interest (if any) due from him under the Act and the Department makes timely claim therefor against the purchaser or transferee as hereinabove provided, then the purchaser or transferee shall pay

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the amount so withheld from the purchase price to the Department. If the purchaser or transferee fails to comply with the requirements of this Section under the Act, the purchaser or transferee shall be personally liable to the Department for the amount owed under the Act by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee.

- e) Any person who shall acquire any property or rights thereto which, at the time of such acquisition, is subject to a valid lien in favor of the Department shall be personally liable to the Department for a sum equal to the amount of taxes secured by such lien but not to exceed the reasonable value of such property acquired by him.

(Source: Amended at ___ Ill. Reg. _____, effective _____)

Section 130.1925 Blacksmiths

a) When Liable For Retailers' Occupation Tax

When blacksmiths engage in the business of selling or of fabricating and selling horseshoes or other items of tangible personal property to purchasers for use or consumption, they incur Retailers' Occupation Tax liability.

b) When Not Liable For Retailers' Occupation Tax

A blacksmith does not incur Retailers' Occupation Tax liability when sharpening plow shares for a customer, or when repairing his customer's tangible personal property even if such repair work involves the transferring and adding of repair parts and materials to such customer's property. See Section 130.2015 of this Part.

c) Cross Reference to Service Occupation Tax Regulations

~~However, when the blacksmith purchases repair parts and other tangible personal property which he transfers to users as an incident to his sales of service, the blacksmith incurs Service Occupation Tax liability on his cost price of such tangible personal property. For information concerning the application of the Service Occupation Tax to purchases by blacksmiths of tangible personal property which they retransfer as an incident to rendering service (see Subpart A of the Service Occupation Tax Regulations, 86 Ill. Adm. Code Part 140).~~

(Source: Amended at ___ Ill. Reg. _____, effective _____)

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Section 130.2145 Vendors of Meals

a) Vendors of Meals--When Liable for Tax

- 1) Persons engaged in the business of selling meals to purchasers for use or consumption incur Retailers' Occupation Tax liability on their receipts from such sales. It is immaterial that no profit is realized from the operation of any such business if the seller is engaged in a commercial enterprise, or if the seller engages in activities which make him taxable under the terms of Section 130.2005 of this Part. It is also immaterial that the class of purchasers may be a limited one, such as the employees of a particular employer who operates a cafeteria or other dining facilities for the benefit of his employees.

- 2) The foregoing Regulation includes, but is not limited to, the following types of vendors:

- A) Hotels;
- B) restaurants;
- C) caterers;
- D) boarding houses;
- E) concessionaires;
- F) nonprofit service organizations and institutions to the extent indicated in Section 130.2005(a), (b) and (c) of this Part, and similar enterprises when conducted with a view to profit to the extent indicated in Section 130.2005(o) of this Part;

- G) employers who operate dining facilities for the benefit of their employees, except to the extent noted in Section 130.2005(b) of this Part, and

- H) sellers of food and beverages, delivered in Illinois to airlines, for use in serving passengers on aircraft without a separate charge for the food or beverages being made by the airlines, regardless of whether the airline may serve the food and beverages in Illinois or outside Illinois; sales of meals to airlines for use on their aircraft in serving crews, where the cost is deducted from a food allowance, are nontaxable sales for resale, but if the meals are delivered to the airline

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in Illinois, the airline incurs Retailers' Occupation Tax liability on its receipts (consideration in the form of compensation for service rendered) from reselling such meals to crews, regardless of whether the aircraft is in Illinois or outside Illinois when it serves such meals to its crew.

b) Vendors of Meals to Organizations or Their Members

- 1) Effective August 1, 1961, when members of an organization meet at a hotel, restaurant or other place of business where food or drinks are sold and pay for any such items, the hotel, or other vendor of meals, is considered to be selling such tangible personal property directly to such members as users or consumers, and such sales shall be considered to be taxable. This is true even if the organization collects from the members and makes payment to the vendor, and even if the organization is permitted to retain a portion of what it collects for its own purposes.

- 2) In this situation, the organization is deemed to be acting for the accommodation of all concerned and is not deemed to be standing in the role of a purchaser and reseller.

- 3) The measure of the tax is the amount received by the hotel, etc., for the tangible personal property which it furnishes.

- 4) The principles stated in this Section apply also when the tangible personal property that is being sold is something other than food and drinks, but this Section is concerned primarily with vendors of food and drinks.

c) Cover Charges and Minimum Charges

- 1) Cover charges are not included in the taxable receipts of persons operating restaurants, hotels and other places of business which come within the Act, where such cover charges are made exclusively for the privilege of occupying space within such eating place, and where the payment of a cover charge by a patron does not entitle such patron to use or consume any food or beverage or other tangible personal property.

- 2) In such an instance, the cover charge is a receipt on account of a service rendered, whether such service be entertainment or otherwise, and does not accrue on account of the sale of tangible personal property at retail.

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- 3) The preceding statement does not apply to so-called "minimum charges" which are made by night clubs, public eating places, private clubs or other retailers of food or beverages or both, and which entitle the persons paying such charge to use or consume some tangible personal property, such as food or beverages. The retailer's receipts from these charges are subject to Retailers' Occupation Tax. This revision of Section 130.2145 is for clarification purposes only.

d) Mandatory Service Charges

Mandatory gratuities are not included in the taxable receipts of persons operating restaurants, hotels and other places of business which come within the Act, if such mandatory gratuity is added to banquet or dinner checks in the form of a percentage of the total bill, or as a flat rate, provided that all of the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the would normally have received tips had the service charge is imposed policy not been introduced. (Section 2-5(15) of the Act) If any part of the service charges are used to fund or pay wages, labor costs, employee benefits or employer costs of doing business, all of the service charge is includable in gross receipts. If all of the mandatory gratuity is turned over to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function, the gratuity is not subject to tax. If none of the gratuity is turned over to these employees, the entire gratuity is taxable. If a portion of the gratuity is turned over to these employees, then the gratuity must be apportioned between the taxable and nontaxable amounts on the receipt to the customer. The taxable and nontaxable amounts must be individually and separately stated on the receipt. The taxable amount of the mandatory gratuity must be added to the selling price of the tangible personal property in determining the total amount of gross receipts from the transaction to be multiplied times the tax rate in effect at the selling location to calculate the tax due. The amount of the gratuity not subject to tax must be separately stated after that portion of the receipt that totals the amounts of the selling price of the tangible personal property, the gratuity subject to tax, the amount of tax and the total of these items.

EXAMPLE: Hotel X collects a mandatory gratuity from all banquet customers. The charge is equal to 17% of the food and beverage price. Pursuant to a collective bargaining agreement, 77% of the mandatory gratuity is turned over the waiters, waitresses, bartenders and busboys who work at the banquets as tips. The

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remainder of the service charge, 23%, is retained by Hotel X as an offset to the salaries and wages expense for the hotel's banquet employees. In order to properly document the proper tax treatment of the mandatory gratuity, the customer's bill should be broken down as follows:

Food	\$25.00
Beverage	15.00
	<u>\$40.00</u>
Taxable Gratuity	1.56
Total Taxable Receipts	<u>\$41.56</u>
Tax	2.60
Total	<u>\$44.16</u>
Nontaxable Gratuity	5.24
Total	<u>\$49.40</u>

If the bill to the banquet customer does not separately state the amounts of the mandatory gratuity as indicated above, there may result an overcollection of tax by the retailer, or an undercollection that could result in a liability for uncollected tax by the hotel.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

- 1) Heading of the Part: Service Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 140
- 3) Section Numbers: 140.401
140.405 Proposed Action: Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 439.101 et seq., as amended by P.A. 87-14
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Sections 140.401 and 140.405 in response to P.A. 87-14. This Public Act modified the Service Occupation Tax Act to require that taxpayers file their returns by the twentieth of the month rather than at the end of the month. The title of Section 140.405 is modified to reflect the fact that the rule deals with both quarterly and annual tax returns.
- 6) Will this proposed rule replace an emergency rule currently in effect: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336
- 12) Initial Regulatory Flexibility Analysis:

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- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 13, 1991
- B) Types of small businesses affected: Any small business that makes sales of service.
- C) Reporting, bookkeeping or other procedures required for compliance: No new or additional procedures are required by this rulemaking.
- D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendment(s) begins on the next page:

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 140
SERVICE OCCUPATION TAX

SUBPART A: NATURE OF TAX

Section	
140.101	Basis and Rate of the Service Occupation Tax
140.105	Registration of Servicemen
140.110	Presumption that Tax Applies
140.115	Occasional Sales to Servicemen by Suppliers
140.120	Meaning of Serviceman
140.125	Examples of Nontaxability
140.126	Exemption of Food, Drugs and Medical Appliances
140.130	Suppliers of Printers
140.135	Sales of Drugs and Related Items, to or by Pharmacists
140.140	Other Examples of Taxable Transactions
140.145	Multi-Service Situations

SUBPART B: DEFINITIONS

Section	
140.201	General Definitions

SUBPART C: BASE OF THE TAX

Section	
140.301	Cost Price
140.305	Refunds by Supplier or Serviceman

SUBPART D: TAX RETURNS

Section	
140.401	Monthly Returns When Due--Contents of Returns
140.405	Quarterly Tax Returns and Annual Tax Returns
140.410	Final Return
140.415	Taxpayers' Duty to Obtain Form
140.420	Annual Information Returns by Servicemen
140.425	Filing of Returns for Serviceman "Suppliers" by their Suppliers Under Certain Circumstances
140.430	Incorporation by Reference

SUBPART E: INTERSTATE COMMERCE

Section	
140.501	Sales of Service Involving Property Originating in Illinois
140.505	Sales of Service Involving Property Originating Outside of Illinois

SUBPART F: REGISTRATION UNDER THE
SERVICE OCCUPATION TAX ACT

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Section 140.601	General Information
Section 140.701	SUBPART G: BOOKS AND RECORDS Requirements
Section 140.801	SUBPART H: PENALTIES, INTEREST AND PROCEDURES General Information

Section 140.901	SUBPART I: WHEN OPINIONS FROM THE DEPARTMENT ARE BINDING Written Opinions
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SUBPART J: COLLECTION OF THE TAX

Section 140.1001	Payment of Tax to the Supplier
Section 140.1005	Receipt to be Obtained for Tax Payments
Section 140.1010	Payment of Tax Directly to the Department
Section 140.1015	Itemization of the Tax by Suppliers
Section 140.1020	Use of Bracket Chart
Section 140.1025	Advertising in Regard to the Tax

SUBPART K: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING--MEANING OF DUE DATE WHICH FALLS ON SATURDAY, SUNDAY OR A HOLIDAY

Filing of Documents with the Department

Section 140.1101	
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SUBPART L: LEASED PORTIONS OF LESSOR'S BUSINESS SPACE

Section 140.1201	When Lessee of Premises May File Return for Leased Department
Section 140.1205	When Lessor of Premises Should File Return for Leased Department
Section 140.1210	Meaning of "Lessor" and "Lessee" in this Regulation

SUBPART M: USE OF EXEMPTION CERTIFICATES

Section 140.1301	When Purpose of Serviceman's Purchase is Known
Section 140.1305	When Purpose of Serviceman's Purchase is Unknown
Section 140.1310	Blanket Percentage Exemption Certificates

SUBPART N: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section 140.1401	Claims for Credit--Limitations--Procedure
Section 140.1405	Disposition of Credit Memoranda by Holders Thereof
Section 140.1410	Refunds

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Section 140.1415	Interest
Section 140.1501	SUBPART O: DISCONTINUATION OF A BUSINESS Procedures
Section 140.1601	SUBPART P: NOTICE OF SALES OF GOODS IN BULK Requirements and Procedures

SUBPART Q: POWER OF ATTORNEY

Section 140.1701	General Information
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AUTHORITY: Implementing the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b30).

SOURCE: Adopted May 21, 1962; amended at 3 Ill. Reg. 23, p. 161, effective June 3, 1979; amended at 3 Ill. Reg. 44, p. 198, effective October 19, 1979; amended at 4 Ill. Reg. 24, pp. 526, 536 and 550, effective June 1, 1980; amended at 5 Ill. Reg. 822, effective January 2, 1981; amended at 6 Ill. Reg. 2879, 2883, 2886, 2892, 2895 and 2897, effective March 3, 1982; codified at 6 Ill. Reg. 9326; amended at 9 Ill. Reg. 7941, effective May 14, 1985; amended at 11 Ill. Reg. 14090, effective August 11, 1987; emergency amendment at 12 Ill. Reg. 14419, effective September 1, 1988, for a maximum of 150 days; emergency expired January 29, 1989; amended at 13 Ill. Reg. 9388, effective June 6, 1989; amended at 14 Ill. Reg. 262, effective January 1, 1990; amended at 14 Ill. Reg. 15480, effective September 10, 1990; amended at 15 Ill. Reg. 5834, effective April 5, 1991; amended at ___ Ill. Reg. ___ effective

SUBPART D: TAX RETURNS

Section 140.401 Monthly Returns When Due - Contents of Returns

- a) Except as provided in Section 140.405 of this Subpart, on or before the twentieth ~~last~~ day of each calendar month, every serviceman registered with the Department is required to file a return with the Department covering the preceding month, stating the name of the person filing the return, his residence address, the address of his principal place of business and the address of his principal place of business in this State (if that is a different address) and each address from which he engages in said taxable business as a serviceman. Where the serviceman has more than one business registered with the Department under separate registrations, such

serviceman shall file separate returns for each such separately registered business.

b) Information Required in Taxpayer's Return

A taxpayer's return shall disclose the following:

- 1) total tax base for the return period;
- 2) the amount of tax due;
- 3) the total of the tax and penalty;
- 4) such other information as the Department may require on the tax form.

c) 1.75% Allowance to Serviceman for Collecting State Tax

After entering his State Service Occupation Tax liability on the return, the serviceman may then deduct 1.75% of such liability as compensation for acting as a collector of the tax. The minimum discount, over the entire period of any given calendar year, for any single serviceman (if such serviceman has that much tax to remit) shall be \$5.00 for such calendar year. This allowance against the State tax is available only when the tax is remitted with a return which is filed when due under the Act; it is not available in any case in which the tax is paid late.

(Source: Amended at — Ill. Reg. —, effective —)

Section 140.405 Quarterly Tax Returns and Annual Tax Returns

- a) If the serviceman's average monthly tax liability to the Department does not exceed \$200.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.
- b) If the serviceman's average monthly tax liability to the Department does not exceed \$50.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.
- c) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

(Source: Amended at — Ill. Reg. —, effective —)

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- 1) Heading of the Part: Service Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 160
- 3) Section Numbers: Proposed Action:
160.135 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 439.1 et seq., as amended.
- 5) A. Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 160.135 to reflect the fact that P.A. 87-14 requires that returns filed under the Service Use Tax Act are due on the twentieth of the month rather than on the last day of the month.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 13, 1985
- B) Types of small businesses affected: Any small business making sales of service.

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- C) Reporting, bookkeeping or other procedures required for compliance: No new reporting, bookkeeping or other procedures are required for compliance.
- D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 160
SERVICE USE TAX

Section:

- 160.101 Nature of the Tax
- 160.105 Definitions
- 160.110 Kinds of Uses And Users Not Taxed
- 160.115 Collection Of The Service Use Tax By Servicemen
- 160.120 Receipt For The Tax
- 160.125 Special Information For Taxable Users
- 160.130 Registration Of Servicemen
- 160.135 Serviceman's Return
- 160.140 Penalties, Interest And Procedures
- 160.145 Incorporation Of Illinois Service Occupation Tax Regulations By Reference
- 160.150 Claims To Recover Erroneously Paid Tax-Limitations-Procedures
- 160.155 Disposition Of Credit Memoranda By Holders Thereof
- 160.160 Refunds
- 160.165 Interest

AUTHORITY: Implementing the Service Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 439.31 et seq.) and authorized by Section 39b30 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b30).

SOURCE: Adopted May 21, 1962; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 8619, effective June 5, 1984; amended at 11 Ill. Reg. 5322, effective March 17, 1987; amended at 11 Ill. Reg. 9963, effective May 8, 1987; amended at 13 Ill. Reg. 9399, effective June 6, 1989; amended at 15 Ill. Reg. 5845, effective April 5, 1991; amended at ___ Ill. Reg. _____, effective _____.

Section 160.135 Serviceman's Return

- a) Every serviceman required or authorized to collect the Service Use Tax must file a return each month by the twentieth ~~last~~ day of the month covering the preceding calendar month except when the serviceman is authorized to file tax returns on a quarterly or annual basis as hereinafter provided. The Department has combined the Service Use Tax return form, the Service Occupation Tax return form and the Use Tax return with the Retailers' Occupation Tax return form.
- b) Where the sale of service is made under a conditional sales contract, or under any other form of sale wherein the payment of

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the principal sum, or a part thereof, is extended beyond the close of the return period for which the return is filed, the serviceman, in collecting the tax, may collect, for each return period, only the tax applicable to that part of the selling price actually received during such return period.

- c) In his regular return, each serviceman shall also include the total amount of Service Use Tax due upon the selling price of tangible personal property transferred by him as an incident to a sale of service by a serviceman. Such serviceman shall remit the amount of such tax to the Department when filing such return.
- d) In general, the provisions of Subpart D of the Service Occupation Tax (86 Ill. Adm. Code 140), (including the provisions pertaining to quarterly and annual tax returns, but not the provisions pertaining to annual information returns) shall apply to returns of servicemen under the Service Use Tax Act.
- e) The serviceman who collects the Service Use Tax from his purchaser and who remits, as Service Use Tax, the amount so collected is allowed to deduct the 1.75% collection allowance or \$5.00 per calendar year, whichever is greater, in the same manner as the serviceman is allowed to do under Subpart D of the Service Occupation Tax (86 Ill. Adm. Code 150, Subpart D). Where a purchaser from a serviceman, however, does not pay the Service Use Tax to the serviceman, but pays it directly to the Department, that purchaser is not allowed to deduct any amount as a collection allowance.

(Source: Amended at ___ Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 150
- 3) Section Numbers:
150.901
Proposed Action:
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 120, par. 439.1 et seq., as amended by P.A. 87-14.
- 5) A. Complete Description of the Subjects and Issues Involved: This rulemaking modifies Section 150.901 to reflect the fact that per P.A. 87-14 returns are now due on the 20th of the month rather than at the end of the month. The rulemaking also amends the dollar thresholds for quarterly and annual filing of returns to make these amounts consistent with the current version of the Use Tax Act.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part: No
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates nor expands a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: December 13, 1991

B) Types of small businesses affected: Any small business required or authorized to collect the Use Tax.

C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not impose any new bookkeeping or other procedures.

D) Types of professional skills necessary for compliance: Basic bookkeeping skills.

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF REVENUE

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 150
USE TAX

SUBPART A: NATURE OF THE TAX

Section	Description of the Tax
150.101	Rate and Base of Tax
150.105	How To Compute Depreciation
150.110	How To Determine Effective Date
150.115	Effective Date of New Taxes
150.120	Relation of Use Tax to Retailers' Occupation Tax
150.125	Accounting for the Tax
150.130	How to Avoid Paying Tax on Use Tax Collected From the Purchaser
150.135	

SUBPART B: DEFINITIONS

Section	General Definitions
150.201	

SUBPART C: KINDS OF USES AND USERS NOT TAXED

Section	Cross References
150.301	Effect of Limitation that Purchase Must be at Retail From a Retailer to be Taxable
150.305	Interim Use and Demonstration Exemptions
150.306	Exemptions to Avoid Multi-State Taxation
150.310	Non-resident Exemptions
150.315	Meaning of "Acquired Outside This State"
150.320	Charitable, Religious, Educational and Senior Citizens Recreational Organizations as Buyers
150.325	Governmental Bodies as Buyers
150.330	

SUBPART D: COLLECTION OF THE USE TAX
FROM USERS BY RETAILERS

Section	Collection of the Tax by Retailers From Users
150.401	Tax Collection Brackets
150.405	Tax Collection Brackets for a 2-1/4% Rate of Tax (Repealed)
150.410	Tax Collection Brackets for a 2-1/2% Rate of Tax (Repealed)
150.415	Tax Collection Brackets for a 2-3/4% Rate of Tax (Repealed)
150.420	Tax Collection Brackets for a 3% Rate of Tax (Repealed)
150.425	Tax Collection Brackets for a 3-1/8% Rate of Tax (Repealed)
150.430	Tax Collection Brackets for a 3-1/4% Rate of Tax (Repealed)
150.435	Tax Collection Brackets for a 3-1/2% Rate of Tax (Repealed)
150.440	Tax Collection Brackets for a 3-3/4% Rate of Tax (Repealed)
150.445	

Section	Tax Collection Brackets for a 4% Rate of Tax (Repealed)
150.450	Tax Collection Brackets for a 4-1/8% Rate of Tax (Repealed)
150.455	Tax Collection Brackets for a 4-1/4% Rate of Tax (Repealed)
150.460	Tax Collection Brackets for a 4-1/2% Rate of Tax (Repealed)
150.465	Tax Collection Brackets for a 4-3/4% Rate of Tax (Repealed)
150.470	Tax Collection Brackets for a 5% Rate of Tax (Repealed)
150.475	Tax Collection Brackets for a 5-1/8% Rate of Tax (Repealed)
150.480	Tax Collection Brackets for a 5-1/4% Rate of Tax (Repealed)
150.485	Tax Collection Brackets for a 5-1/2% Rate of Tax (Repealed)
150.490	Tax Collection Brackets for a 5-3/4% Rate of Tax (Repealed)
150.495	Tax Collection Brackets for a 6% Rate of Tax (Repealed)
150.500	Optional 1% Schedule (Repealed)
150.505	Exact Collection of Tax Required When Practicable
150.510	Prohibition Against Retailer's Representing That He Will Absorb The Tax
150.515	Display of Tax Collection Schedule
150.520	Methods for Calculating Tax on Sales of Items Subject to Differing Tax Rates
150.525	

SUBPART E: RECEIPT FOR THE TAX

Section	Requirements
150.601	

SUBPART F: SPECIAL INFORMATION FOR TAXABLE USERS

Section	When and Where to File a Return
150.701	Use Tax on Items that are Titled or Registered in Illinois
150.705	Procedure in Claiming Exemption from Use Tax
150.710	Receipt for Tax or Proof of Exemption Must Accompany Application for Title or Registration
150.715	Display Certificates for House Trailers
150.716	Issuance of Title or Registration Where Retailer Fails or Refuses to Remit Tax Collected by Retailer from User
150.720	Direct Payment of Tax by User to Department on Intrastate Purchase Under Certain Circumstances
150.725	Direct Reporting of Use Tax to Department by Registered Retailers
150.730	

SUBPART G: REGISTRATION OF OUT-OF-STATE RETAILERS

Section	When Out-of-State Retailers Must Register and Collect Use Tax
150.801	Voluntary Registration by Certain Out-of-State Retailers
150.805	Incorporation by Reference
150.810	

SUBPART H: RETAILERS' RETURNS

Section	When and Where to File
150.901	Deduction for Collecting Tax
150.905	Incorporation by Reference
150.910	

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150.915 Itemization of Receipts from Sales and the Tax Among the Different States from Which Sales are Made into Illinois

SUBPART I: PENALTIES, INTEREST AND PROCEDURES

Section
150.1001 General Information

SUBPART J: TRADED-IN PROPERTY

Section
150.1101 General Information

SUBPART K: INCORPORATION OF ILLINOIS RETAILERS' OCCUPATION TAX REGULATIONS BY REFERENCE

Section
150.1201 General Information

SUBPART L: BOOKS AND RECORDS

Section
150.1301 Users' Records
150.1305 Retailers' Records
150.1310 Use of Signs to Prove Collection of Tax as a Separate Item
150.1315 Consequence of Not Complying with Requirement of Collecting Use Tax Separately From the Selling Price
150.1320 Incorporation by Reference

SUBPART M: CLAIMS TO RECOVER ERRONEOUSLY PAID TAX

Section
150.1401 Claims for Credit--Limitations--Procedure
150.1405 Disposition of Credit Memoranda by Holders Thereof
150.1410 Refunds
150.1415 Interest

TABLE A Tax Collection Brackets

AUTHORITY: Implementing the Use Tax Act (Ill. Rev. Stat. 1989, ch. 120, pars. 439.1 et seq.) and authorized by Section 39b28 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 39b28).

SOURCE: Adopted August 1, 1955; amended at 4 Ill. Reg. 24, p. 553, effective June 1, 1980, amended at 5 Ill. Reg. 5351, effective April 30, 1981; amended at 5 Ill. Reg. 11072, effective October 6, 1981; codified at 6 Ill. Reg. 9326; amended at 8 Ill. Reg. 3704, effective March 12, 1984; amended at 8 Ill. Reg. 7278, effective May 11, 1984; amended at 8 Ill. Reg. 8623, effective June 5, 1984; amended at 11 Ill. Reg. 6275, effective March 20, 1987; amended at 14 Ill. Reg. 6835, effective April 19, 1990; amended at 15 Ill. Reg. 5861, effective April 5, 1991; amended at ____ Ill. Reg. ____.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

SUBPART H: RETAILERS' RETURNS

Section 150.901 When and Where to File

- a) Every retailer required or authorized to collect the Use Tax must file a return each month by the twentieth ~~last~~ day of the month covering the preceding calendar month, except when the retailer is authorized to file tax returns on a quarterly or annual basis as hereinafter provided. The Department has combined the retailers' Use Tax return form with the Retailers' Occupation Tax return form.
- b) Where the tangible personal property is sold under a conditional sales contract or under any other form of sale wherein the payment of the principal sum or a part thereof is extended beyond the close of the return period for which the return is filed, the retailer, in collecting the tax, may collect, for each return period, only the tax applicable to that part of the selling price actually received during such return period.
- c) In his regular monthly, quarterly or annual return, each retailer shall also include the total amount of Use Tax due upon the purchase price of tangible personal property (other than a motor vehicle or aircraft on which the tax is to be paid separately from the regular monthly, quarterly or annual return) purchased by him at retail from a retailer, but as to which such tax was not collected by the vendor from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.
- d) If the retailer files his Retailers' Occupation Tax returns on the gross sales basis, rather than on the gross receipts basis, he will be required to report the Use Tax information that he includes in his returns on the basis of gross sales (or on the basis of gross purchases in the case of reporting purchases for the retailer's use).
- e) If the retailer's average monthly tax liability to the Department does not exceed \$200.00 \$100.00, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 30 of such year; with the return for April, May and June of a given year being due by July 20 31 of such year; with the return for July, August and September of a given year being due by October 20 31 of such year, and with the return for October, November and December of a given year being due by January 20 31 of the following year.

DEPARTMENT OF REVENUE

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- f) If the retailer's average monthly tax liability to the Department does not exceed \$50.00, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.
- g) Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.
- h) Notwithstanding any other provision in this Regulation concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Regulation, such retailer shall file a final return under this Regulation with the Department not more than one month after discontinuing such business.

(Source: Amended at Ill. Reg. _____, effective _____)

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: Adopted Action:
 240.1400 New Sections
 240.1410, 240.1420 Amendments
 240.1430, 240.1440 New Sections
 240.1710, 240.1720 New Sections
 240.1960 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1989, Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.02
- 5) Effective Date of Amendment(s): December 13, 1991
- 6) Does this rulemaking contain an automatic repeal date?
 Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 10, 1991
- 9) Notice of Proposal Published in Illinois Register:
 December 14, 1990: 14 Ill. Reg. 19415
 (issue date)
- 10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? NO
- 11) Difference(s) between proposal and final version:
 The following changes have been made in response to comments received during the first notice period:

TABLE OF CONTENTS:

Section 240.430
 Section 240.435
 Section 240.655
 Section 240.720
 Section 240.725

NOTICE OF ADOPTED AMENDMENTS

"EMERGENCY" has been added directly below these Section cites.

SOURCE:

"emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days;" has been added and inserted immediately following "1990;" and immediately before "amended at 14" (now corrected to "15").

Section 240.1400:

Subsection 240.1400(a):

"89" has been added and inserted immediately following "in" and immediately before "Ill..".

Subsection 240.1400(b):

"the provider's ability to perform, the provider's history of service provision, and the best interests of the State and the CCP" has been changed to "upon completion of the procurement as specified in 89 Ill. Adm. Code 220.615 et seq..".

Subsection 240.1400(c):

"640" has been changed to "600"; and, "et seq. once a procurement has occurred under 89 Ill. Adm. Code 220.610 et seq." has been added and inserted immediately following "600".

Subsection 240.1400(f):

"and Area Agency" has been added and inserted immediately following "or"; "seeks" has been changed to "seek"; "the Department seeks a replacement vendor" has been added and inserted immediately following "or" and immediately before "vendor"; and, "(3)" has been deleted.

Section 240.1410:

NOTICE OF ADOPTED AMENDMENTS

"Units" has been changed to "Unit"; and, "Administrative Minimum Standards" has been added and inserted immediately following "Unit".

Subsection 240.1410(a):

has been deleted and replaced with the following:

"A Case Coordination Unit (CCU) must meet the Standard Contractual Requirements of Section 240.1310."

Subsection 240.1410(b):

has been deleted.

Subsection 240.1410(c):

replaces "subsection 240.1410(b)"; and, "(7)" has been deleted.

Subsection 240.1410(d):

Subsection 240.1410(d)(1) thur (3):

have been deleted.

Subsection 240.1410(e):

replaces "subsection 240.1410(c)".

Subsection 240.1410(f):

Subsection 240.1410(f)(1) and (2):

have been deleted.

Section 240.1420:

"as of the adoption date of this Section and as a result of a procurement pursuant to 89 Ill. Adm. Code 220.610 et seq.;" has been added and inserted immediately following "responsibilities".

Subsection 240.1420(a):

"inquiry" has been changed to "request" in the first sentence; "(5)" has been deleted; and, "inquiry of" has been deleted.

NOTICE OF ADOPTED AMENDMENTS

Subsection 240.1420(c):

"including residents of nursing homes seeking to return to the community," has been added and inserted immediately following "eligibility," and immediately before "and"; "Illinois" has been added and inserted immediately before "Department of Rehabilitation" and "Department of Public Aid"; and, "I" has been added and inserted immediately before "DORS" and "DPA".

Subsection 240.1420(g):

"Things You Need to Know" has been changed to "Things You Need to Know".

Subsection 240.1420(h):

A comma has been added and inserted immediately following "Care"; and, "and develop memoranda of understanding when needed to maintain service. (See Section 240.350)." has been added and inserted immediately following "Care,".

Subsection 240.1420(i):

"I" has been added and inserted immediately before "DPA" throughout the subsection.

Subsection 240.1420(j):

"(42 U.S.C. 3001 et seq.)" has been added and inserted immediately following "Act" and immediately before "services)".

Subsection 240.1410(k):

"(45)" has been deleted.

Subsection 240.1420(m):

"list" has been changed to "record".

Subsection 240.1420(n):

"(15)" has been deleted.

NOTICE OF ADOPTED AMENDMENTS

Subsection 240.1420(t):

"Illinois" has been added and inserted immediately following "Conduct" and immediately before "Department"; and, "I" has been added immediately before "DMHDD".

Subsection 240.1420(u)(1):

"(6)" has been deleted.

Subsection 240.1420(v):

", avoiding diagnostic terms in case notations unless such terms were provided by qualified professionals (e.g., physician, nurse, therapist)" has been deleted.

Section 240.1430:

Subsection 240.1430(c)(1) thru (5):

has been deleted.

Subsection 240.1430(d):

has been changed to "subsection 240.1430(c)".

Subsection 240.1430(e):

has been changed to "subsection 240.1430(d)".

Subsection 240.1430(e)(now "d")(4):

"Illinois" has been added and inserted immediately following "of" and immediately before "Department of Mental Health"; and, "I" has been added and inserted immediately before "DMHDD".

Subsection 240.1430(f):

has been changed to "subsection 240.1430(e)".

Section 240.1440:

"Case Coordination Units (CCUs) in the performance of their Community Care Program (CCP) contract, shall

DEPARTMENT ON AGING
NOTICE OF ADOPTED AMENDMENTS

before "DMHDD".

Subsection 240.1440(b) (1) (B):

"preliminary" has been added and inserted immediately following "by" and immediately before "certification"; "ninety (90) days" has been changed to "six months".

Subsection 240.1440(b) (2):

"and each supervisor acting as a case manager" has been added and inserted immediately following "manager" and immediately before "shall".

Subsection 240.1440(b) (2) (A):

"ninety (90) calendar days" has been changed to "six months"; "initial" has been changed to "preliminary" throughout the subsection; "full" has been added and inserted immediately following "January,"; recertification has been changed to "certification"; and, September has been changed to "July".

Subsection 240.1440(b) (2) (B):

"annual" has been deleted; "sixty (60) calendar days from the" has been changed to "the eighteen"; "full" has been added and inserted immediately following "(e.g.,"; "recertification" has been changed to "certification"; "June" has been changed to "October"; and, "second" has been added and inserted immediately following "the" and immediately before "following".

Subsection 240.1440(b) (2) (C):

"(18)" has been deleted; "in-house staff training and/or local," has been added and inserted immediately following "in" and immediately before "State"; and, "State" has been changed to "state".

Section 240.1710:

"(3)" has been deleted.

DEPARTMENT ON AGING
NOTICE OF ADOPTED AMENDMENTS

adhere to the following training requirements immediately upon adoption of this Section regardless of whether a procurement has occurred pursuant to 89 Ill. Adm. Code 220.610 et seq." has been added and inserted following the Section Title.

Subsection 240.1440(a) (1):

"forty (40)" has been changed to "sixty".

Subsection 240.1440(a) (2) (A):

"recertification" has been changed to "Recertification"; and, "sixty (60) calendar days from the sixth (6th) month anniversary of initial certification (e.g., initial training January, recertification no later than September); and" has been changed to "eighteen months from the month anniversary of each previous recertification (e.g., recertification in September, subsequent recertification no later than March of the second following year); and".

Subsection 240.1440(a) (2) (B):

has been deleted.

Subsection 240.1440(a) (2) (C):

has been changed to "subsection 240.1440(a) (2) (B)"; "eighteen" has been changed to "Eighteen"; "(18)" has been deleted; in-house staff training and/or local," has been added and inserted immediately following "in" and immediately before "State" in the second sentence; "State" has been changed to "state"; and, "in addition to" has been changed to "and".

Subsection 240.1440(b) (1):

"and each supervisor acting as a case manager" has been added and inserted immediately following "manager" and immediately before "shall".

Subsection 240.1440(b) (1) (A):

"I" has been added and inserted immediately

NOTICE OF ADOPTED AMENDMENTS

Section 240.1720:

Subsection 240.1720(c):

"Case Coordination Unit Compliance Review (CCUCR)" has been changed to "CCUCR"; "section" and been changed to "subsection"; and, "36" has been changed to "thirty-six".

Subsection 240.1720(d):

"CCU Compliance Review (CCUCR)" has been changed to "CCUCR".

Subsection 240.1720(d)(4):

"(60)" has been deleted.

Subsection 240.1720(d)(5):

"(15)" has been deleted.

Subsection 240.1720(d)(6):

"(60)" has been deleted.

Subsection 240.1720(d)(7):

"A copy of this report will be forwarded to the Area Agency on Aging." has been added as the second sentence.

Section 240.1960:

"upon adoption of this Section and subsequent to a procurement conducted under 89 Ill. Adm. Code 220.610 et seq." has been added and inserted immediately following "activities" in the second sentence.

Subsection 240.1960(b):

"(1)" has been deleted.

Subsection 240.1960(d):

"Illinois" has been added and inserted immediately following "each" and immediately

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before "Department".

Subsection 240.1960(e):

"Illinois" has been added and inserted immediately following "each" and immediately before "Department"; and, "I" has been added and inserted immediately before "DMHDD".

Subsection 240.1960(f):

The period at the end of the subsection has been changed to a semi-colon.

Subsection 240.1960(g):

has been added as follows:

"completion of each deinstitutionalization."

The following changes have been made in response to comments received from the Administrative Code Unit:

SUBPART S:

"VENDOR" has been deleted.

SOURCE:

the very last reference to the Illinois Register has been changed from "14 Ill. Reg." to "15 Ill. Reg.".

AUTHORITY NOTE:

updated all Ill. Rev. Stat. citations to 1989.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement was necessary to resolve Committee questions.

13) Will this amendment replace an emergency amendment currently in effect? NO

14) Are there any proposed amendments pending on this Part? Yes

DEPARTMENT ON AGING

DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENT(S)

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register:</u>
240.655	Amendment	15 Ill. Reg. 14335
240.430	Amendment	15 Ill. Reg. 17007
240.435	Amendment	15 Ill. Reg. 17007
240.720	Amendment	15 Ill. Reg. 17007
240.725	Amendment	15 Ill. Reg. 17007

15) Summary and Purpose of Amendment(s):

These amendments are being adopted to assure increased uniformity and consistency of case management statewide in order to improve access to and quality of home and community based services.

In addition, this rulemaking is to provide programmatic requirements relative to the case management service provided through Older Americans Act Programs (89 Ill. Adm. Code 230) and the Community Care Program (89 Ill. Adm. Code 240).

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mary J. Mayes
Policy and Rules Analyst
Illinois Department on Aging
Address: 421 East Capitol Avenue
Springfield, IL 62701
Telephone: (217) 785-3357

The full text of the Adopted Amendment(s) begins on the next page:

Section
240.100 Community Care Program
240.110 Department Prerogative
240.120 Services Provided
240.130 Maintenance of Effort
240.140 Program Limitations
240.150 Completed Applications Prior to August 1, 1982 (Repealed)
240.160 Definitions

SUBPART B: SERVICE DEFINITIONS

Section
240.210 Homemaker Service
240.220 Chore-Housekeeping Service
240.230 Adult Day Care Service
240.240 Information and Referral
240.250 Demonstration/Research Projects
240.260 Case Management Service
240.270 Alternative Provider
240.280 Individual Chore-Housekeeping Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

Section
240.300 Applicant/Client Rights and Responsibilities
240.310 Right to Apply
240.320 Nondiscrimination
240.330 Freedom of Choice
240.340 Confidentiality/Safeguarding of Case Information
240.350 Applicant/Client/Authorized Representative Cooperation
240.360 Reporting Changes
240.370 Voluntary Repayment

SUBPART D: APPEALS

Section
240.400 Appeals and Fair Hearings
240.405 Representation
240.410 When the Appeal May Be Filed

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

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DEPARTMENT ON AGING

NOTICE OF ADOPTED AMENDMENT(S)

NOTICE OF ADOPTED AMENDMENT(S)

240.415 What May Be Appealed
240.420 Group Appeals
240.425 Informal Review
240.430 Informal Review Findings
EMERGENCY
240.435 Withdrawing an Appeal
EMERGENCY
240.440 Examining Department Records
240.445 Hearing Officer
240.450 The Hearing
240.455 Continuance of the Hearing
240.460 Postponement
240.465 Dismissal Due to Non-Appealance
240.470 Rescheduling the Appeal Hearing
240.475 Recommendations of Hearing Officer
240.480 The Appeal Decision
240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

Section
240.510 Application for Community Care Program
240.520 Who May Make Application
240.530 Date of Application
240.540 Statement to be Included on Application

SUBPART F: ELIGIBILITY

Section
240.600 Eligibility Requirements
240.610 Establishing Eligibility
240.620 Home Visit
240.630 Determination of Eligibility
240.640 Eligibility Decision
240.650 Continuous Eligibility
240.655 Frequency of Redeterminations
EMERGENCY
240.660 Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section
240.710 Age
240.715 Determination of Need
240.720 Clients Prior to July 1, 1990
EMERGENCY
240.725 Clients After November 15, 1991

EMERGENCY

240.730 Plan of Care
240.735 Supplemental Information
240.740 Assessment of Need
240.750 Citizenship
240.755 Residence
240.760 Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section
240.800 Financial Factors
240.810 Assets
240.815 Exempt Assets
240.820 Asset Transfers
240.825 Income
240.830 Unearned Income Exemptions
240.835 Earned Income
240.840 Potential Retirement, Disability and Other Benefits
240.845 Family
240.850 Monthly Average Income
240.855 Applicant/Client Expense for Care
240.860 Change in Income
240.865 Application For Medical Assistance (Medicaid)
240.870 Determination of Applicant/Client Monthly Expense for Care
240.875 Client Responsibility

SUBPART I: DISPOSITION OF DETERMINATION

Section
240.905 Prohibition of Institutionalized Individuals From Receiving Community Care Program Services
240.910 Written Notification
240.915 Service Provision
240.920 Reasons for Denial
240.925 Frequency of Redeterminations (Renumbered)
240.930 Suspension of Services
240.935 Discontinuance of Services to Clients
240.940 Penalty Payments
240.945 Notification
240.950 Reasons for Termination
240.955 Reasons for Reduction or Change

SUBPART J: SPECIAL SERVICES

Section

Nursing Home Prescreening

Interim Services

Intense Service Provision

Temporary Service Increase

Individual Transfer Request - Vendor to Vendor - No Change in Service

Individual Transfer Request - Vendor to Vendor - With Change in Service

Individual Transfers - Case Coordination Unit to Case Coordination Unit

Transfer of Pending Applications

Interagency Transfers

Temporary Transfers - Case Coordination Unit to Case Coordination Unit

Caseload Transfer - Vendor to Vendor

Caseload Transfer - Case Coordination Unit to Case Coordination Unit

Administrative Service Contract

Standard Contractual Requirements for Case Coordination Units and Vendors

Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts

General Vendor and CCU Responsibilities (Repealed)

Payment for Services (Repealed)

Purchases and Contracts (Repealed)

Safeguarding Case Information (Repealed)

Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

Community Care Program Case Management

Case Coordination Units Administrative Minimum Standards

Case Coordination Unit Responsibilities

Individual Transfer Request - Vendor to Vendor - No Change in Service

Individual Transfer Request - Vendor to Vendor - With Change in Service

Individual Transfers - Case Coordination Unit to Case Coordination Unit

Transfer of Pending Applications

Interagency Transfers

Temporary Transfers - Case Coordination Unit to Case Coordination Unit

Caseload Transfer - Vendor to Vendor

Caseload Transfer - Case Coordination Unit to Case Coordination Unit

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Case Coordination Units Administrative Minimum Standards

Case Coordination Unit Responsibilities

Individual Transfer Request - Vendor to Vendor - No Change in Service

Individual Transfer Request - Vendor to Vendor - With Change in Service

Individual Transfers - Case Coordination Unit to Case Coordination Unit

Transfer of Pending Applications

Interagency Transfers

Temporary Transfers - Case Coordination Unit to Case Coordination Unit

Caseload Transfer - Vendor to Vendor

Caseload Transfer - Case Coordination Unit to Case Coordination Unit

Administrative Service Contract

Standard Contractual Requirements for Case Coordination Units and Vendors

Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts

General Vendor and CCU Responsibilities (Repealed)

Payment for Services (Repealed)

Purchases and Contracts (Repealed)

Safeguarding Case Information (Repealed)

Suspension/Termination of a Vendor or Case Coordination Unit (CCU)

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Caseload Transfer - Vendor to Vendor

Caseload Transfer - Case Coordination Unit to Case Coordination Unit

Administrative Service Contract

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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective

December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 1193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective December 13, 1991.

NOTE: Bold faced type denotes statutory language.

SUBPART N: CASE COORDINATION UNITSSection 240.1400 Community Care Program Case Management

- a) A Designated Case Coordination Unit (CCU), as outlined in 89 Ill. Adm. Code 220.600 et seq., shall be contracted with as a CCU by the Department for a specific geographic area by executing a contract for the provision of Community Care Program (CCP) case management services.
- b) All providers of CCP case management service shall meet all standards promulgated by the Department relating to the services provided, the provider's ability to perform, the provider's history of service provision, and the best interests of the State and the CCP upon completion of the procurement as specified in 89 Ill. Adm. Code 220.615 et seq. All Department funded CCUs must adhere to the equal opportunity requirements of the Illinois Department of Human Rights and the contract executed between the CCU and the Department.
- c) Case management services shall be purchased only from providers determined capable and competent by the Department to provide such services, as described in 89 Ill. Adm. Code 220.6400 et seq. once a procurement has

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occurred under 89 Ill. Adm. code 220.610 et seq.

d) CCU contracts with the Department to provide CCP case management services shall not be assigned.

e) CCUs shall not subcontract for the direct provision of CCP case management services unless prior written approval has been obtained from the Department.

f) A CCP vendor may not serve as a CCU in the same contract service area except temporarily to provide for the orderly transition of duties while the Department and Area Agency seeks a replacement CCU or the Department seeks a replacement vendor, as indicated in the particular case. In no instance shall such arrangement exist for longer than a three (3)-month period.

(Source: Added at 15 Ill. Reg. 18568, effective December 13, 1991)
Section 240.1410 Case Coordination Units Administrative Minimum Standards

a) Each Area Agency on Aging, utilizing Older Americans Act funds, will develop and designate Case Coordination Units (CCUs) within each respective planning and service area to perform duties specified in Section 230.250 (89 Ill. Adm. Code 230.250).

b) The Department intends to contract with the CCUs for provision of activities related to the Community Care program, as enumerated in Sections 240.260, 240.1310, and 240.1420. In the event that no CCU has been designated for coverage of an entire planning and service area, or if geographic portion(s) of a planning and service area do not have CCU coverage, or if the Department determines that contracting with the designated CCU is not in the best interest of the Community Care Program, the Department shall make provisions to ensure that the activities specified in Section 240.1420 will be carried out in all of the planning and service area.

c) In no instance will the Department enter into a contract with a single entity for provision of CCU activities and Community Care program vendor services during the same contract period in the same contracted geographic service area, except to ensure an orderly transition of clients.

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d) CCUs shall only be reimbursed for visits in the home or in a hospital or other institution for the purpose of determining initial or continuing eligibility for the Community Care program and related monitoring services.

e) Payment shall be at a negotiated rate specified in the CCU's contract with the Department.

a) A Case Coordination Unit (CCU) must meet the Standard Contractual Requirements of Section 240.1310.

b) A CCU shall have and demonstrate use of written policies and procedures for activities and responsibilities as specified and in accordance with 89 Ill. Adm. Code 220.600(d).

eb) A CCU shall be open for business at least seven (7) hours each weekday (Monday through Friday) and shall have and utilize an alternative method approved by the Department, and on file at the CCU, for receiving requests from applicants/clients on any weekdays (excluding holidays) when the CCU is not open for business.

d) A CCU shall have and observe written policies and procedures for the following:

1) Personnel policies as specified in 89 Ill. Adm. Code 220.600(d)(8).

2) Service activities and responsibilities as outlined in Section 240.1420.

3) Documentation of participation in Department provided/approved initial and in service training and receipt of certification, as appropriate, as required by Section 240.1440.

ec) All program records, reports, and related information and documentation, including client files, which are generated in support of the contract between the CCU and the Department shall be considered the property of the Department.

1) The CCU shall submit, upon demand, or otherwise make available at the option of the Department, all such records, information and documentation to the Department/Department authorized designee.

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2) All such records, information and documentation shall be maintained by the CCU in accordance with provisions of 89 Ill. Adm. Code 220.600(n).

3) All records, case notes or other information maintained on persons served under the contract shall be confidential and shall be protected by the CCU from unauthorized disclosure as required by 89 Ill. Adm. Code 220.100 and Section 240.340.

f) Each individual employed by the CCU having face to face contact with clients shall provide to the CCU certification of freedom from communicable disease as determined by an appropriately licensed medical professional within six (6) months prior to assignment of that individual on the job.

1) such certification shall be retained by the CCU in the personnel file of the employee.

2) recertification shall be required if an employee contracts a communicable disease following the initial certification.

(Source: Amended at 15 Ill. Reg. 18568, effective December 13, 1991

Section 240.1420 Case Coordination Unit Responsibilities

Case Coordination Units (CCUs), in the performance of their Community Care Program (CCP) contract, shall have the following responsibilities as of the adoption date of this Section and as a result of a procurement pursuant to 89 Ill. Adm. Code 220.610 et seq.:

a) Case Coordination Units (CCUs), in the performance of their Community Care Program (CCP) contract, shall have the following responsibilities: Review of all inquiries to determine if application for CCP services is requested or is appropriate, and maintenance of inquiry-request logs. Evaluation of inquiries shall be accomplished and CCP applications sent as necessary within five (5) work days from the date of the inquiry or request.

1) Pre-screening of all inquiries to determine if application for Community Care Program services is desired. Maintenance of the inquiry log. Evaluation of inquiries shall be accomplished

within five (5) work days from the date of the inquiry.

2) Distribution, interviewing and assistance in the completion of Community Care Program applications as received and as required under Sections 240.510 and 240.520 within the required time frames set forth in Section 240.510.

3) Performance of CCP determinations/redeterminations of eligibility, including comprehensive assessments and development of plans of care. CCUs shall maintain liaison with the Department of Rehabilitation Services (DORS), the Department of Public Aid (DPA), physicians, hospital discharge personnel, and vendors for the purpose of receiving input which may be beneficial to the CCU in exercising these responsibilities. The Client Agreement Plan of Care is the responsibility of the CCU and can be revised only by the CCU.

4) During the initial home visit, or upon request, advise applicants/clients of all rights under the Community Care Program and furnish each applicant with a copy of the booklet, "Things You Need to Know", including a copy of the request for appeal form as promulgated by the Department and rendering assistance in filing an appeal.

5) Implementation of Freedom of Choice as required by Section 240.330 and transfer of the client as required by Section 240.110 et seq.

6) If an applicant is found eligible:

A) send/hand deliver original Case Action Notice to new client.

B) Send/hand deliver original of Client Agreement Plan of Care, a copy of the Case Action Notice and Case Documentation for Determination of Need to the vendor on the same day as the CCU sends/hand delivers the original Case Action Notice to client as required by Section 240.910.

7) Send/hand deliver to Community Care Program service

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vendor a copy of the Case Action Notice on same day as the CCU sends/hand delivers the original Case Action Notice to the client as required by Section 240.945. The CCU shall also send/hand deliver the following documents, together with the Case Action Notice, to the vendor:

- A) copy of the Case Documentation for Determination of Need; and
- B) original Client Agreement Plan of Care.

8) Submission to DPA of all requested records for determination of and authorization of medical assistance and any other information or records for the Department of Public Aid to discharge its responsibilities as the Single State Agency under title XIX of the Social Security Act.

9) If an applicant is ineligible, send notification to the applicant and provide linkage to other indicated services (e.g., Older Americans Act services).

10) If the notice of eligibility is not mailed within forty five (45) calendar days from the date on which a completed application is received by the Department or CCU, advise the applicant of his/her right to receive a penalty payment as specified in Section 240.940.

11) If provision of services is delayed beyond required time limits, inform and assist the client in the exercise of his/her right to obtain an alternative provider as specified in Section 240.270.

12) Maintenance of all client records and documentation as specified in this Part and applicable procedures, avoiding diagnostic terms in case notations unless said terms were provided by qualified professionals (e.g., physician, nurse/therapist).

13) Provide the Department with an annual audit to be completed in accordance with Generally Accepted Accounting Principles (GAAP) adopted by the Financial Accounting Standards Board (High Ridge

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Park, Stamford, Connecticut, June 1, 1987), which are hereby incorporated by reference (this incorporation includes no later amendments or editions.) The audit report shall be filed at the offices of the Illinois Department on Aging, 421 East Capitol Avenue, Springfield, 62701, within six (6) months from the date of the close of the CCU's business fiscal year.

14) Maintenance of list of all clients being served within the CCU's jurisdiction.

15) Maintenance of confidentiality of all records as required by Section 240.340.

16) Address request by a client/authorized representative relating to CCP services and respond verbally/in writing to the client/authorized representative within fifteen (15) calendar days from the date of request and so document on the Case Record Recording Sheet.

17) All contact, verbal or written, with or on behalf of clients shall be documented on the Case Record Recording Sheet.

18) Correspondence as required in performing all specified responsibilities.

19) Initiation and follow up of appropriate case transfer actions required by Sections 240.1110 et seq.

20) Availability to receive and to respond to client/authorized representative and vendor inquiries and requests.

21) Completion and submission of Case Authorization forms to the Department; review and correction of Case Authorization forms as necessary, and assistance to vendors with billing errors/rejects related to the Case Authorization and the Vendor Request for Payment forms.

22) Attendance at hearings on all appeals in which the CCU has been made a party and testify as required. The CCU must make available the appellant's

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original file at the hearing.

22) Conduct nursing home prescreening in accordance with Section 240.1010.

24) Obtain any necessary consent and cooperation for release of information when required to document case record material and to take subsequent indicated action.

b) The agency shall maintain books, records, documents and other evidence of accounting procedures and practices which reflect all direct and indirect costs of any nature expended in performance of the contract.

1) Direct costs shall be defined as those costs that can be specifically identified with the performance of the contract objective (e.g., Case Manager salaries).

2) Indirect costs shall be defined as those costs that have been incurred for administrative or support objectives and are not readily identified with a particular objective, but are nevertheless necessary to the general operation of the CCU (e.g., building maintenance, supplies, administrative salaries).

3) The above records shall be subject, during normal business hours, for inspection, review, or audit by Department/Department designees.

Distribute, and assist with completion, of CCP applications as received and as required under Sections 240.510 and 240.520 within the required time frames set forth in Section 240.510.

c) All applicant/client records, case notes, information and documentation, including client files, maintained by the CCU and relating to persons who apply for services or are served under the contract shall be considered to be confidential and shall be protected by the CCU from unauthorized disclosure as required by Section 240.340.

Full responsibility for the performance of CCP determinations/reterminations of eligibility, including residents of nursing homes seeking to return to the

community, and development of a Client Agreement - Plan of Care for each CCP client. (The Client Agreement - Plan of Care can be revised only by the CCU.) CCUs should maintain liaison with the Illinois Department of Rehabilitation Services (IDORS), the Illinois Department of Public Aid (IDPA), physicians, hospital discharge personnel, and vendors for the purpose of receiving input which may be beneficial to the CCU in exercising these responsibilities.

d) All applicant/client/program records, case notes, information and documentation, including client files, relating thereto, and books, records, documents, other evidence of accounting procedures and practices maintained in the performance of the contract shall be:

1) retained by the CCU for a period of five (5) years from the termination date of the CCU's contract with the Department;

2) if any litigation, claim, or audit is started before the expiration of the five (5) year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved; and

3) subject, during normal business hours, for inspection, review or audit by the Department/Department designees.

Implement Freedom of Choice as required by Section 240.330.

e) All applicant/client/program records, case notes, information and documentation, including client files, generated in support of the contract shall be considered property of the Department, and shall be submitted by the CCU at the request of the Department/Department designee.

Implement transfer of a client as required by Sections 240.1110 through 1180.

f) Send/hand deliver a Case Action Notice (CAN) to applicant/client as required by 240.910 and 240.945. Send/hand deliver to CCP service vendor, on same day as the CCU sends original CAN to client, the following:

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1) copy of the Case Documentation for the Determination of Need;

2) copy of the CAN;

3) original Client Agreement - Plan of Care.

g) During the initial home visit and upon subsequent request, advise applicants/clients of all rights and responsibilities under the CCP and furnish each applicant/client with a copy of those rights and responsibilities, including a copy of "Things You Need to Know". Provide a copy of the Request for Appeal form as promulgated by the Department and render assistance in filing the Request for Appeal form as requested or needed.

h) Arrange for the implementation of CCP services to be provided by CCP vendor(s) in accordance with the Client Agreement - Plan of Care, and develop memoranda of understanding when needed to maintain service. (See Section 240.350).

i) Submit to IDPA all requested records for IDPA determination of eligibility for and/or authorization of medical assistance, and any other information or records for IDPA to discharge its responsibilities as the Single State Agency under Title XIX of the Social Security Act.

j) Send notification to the applicant as required by Section 240.910 if an applicant is determined ineligible for CCP service(s) and provide linkage to other indicated services (e. g., Older Americans Act (42 U.S.C. 3001 et seq.) services).

k) Advise the applicant of his/her right to receive a penalty payment as specified in Section 240.940 if the notice of eligibility is not mailed within forty-five (45) calendar days from the date on which a completed application is received by the Department or CCU.

l) Inform and assist the client in the exercise of his/her rights to obtain an alternative provider as specified in Section 240.270 if provision of CCP service is delayed beyond the required timeframe.

m) Maintain a list-record of all CCP clients being served

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within the CCU's jurisdiction.

n) Address any request by client/authorized representative/vendor relating to CCP services and respond verbally/in writing within fifteen (15) calendar days from the date of request and so document on the Case Record Recording Sheet.

o) Document on the Case Record Recording Sheet all contact, verbal or written, with or on behalf of clients.

p) Complete and submit Case Authorization Forms to the Department; review and correct rejects; and provide assistance to vendors with billing errors related to the Case Authorization Form and the Vendor Request for Payment forms.

q) Provide, in a timely manner, copies of all client documents requested by the Department for client appeals or other Departmental matters.

r) Attend hearings on appeals affecting clients under the CCU's jurisdiction and testify as requested. The CCU shall make available the appellant's original files at the hearing.

s) Conduct nursing home prescreening in accordance with Section 240.1010.

t) Conduct Illinois Department of Mental Health and Developmental Disabilities (IDMHDD) OBRA-1 (Level I ID Screen).

u) Provide the Department with an annual financial audit report completed in accordance with Generally Accepted Audit Standards and Audit Guidelines issued by the Department.

1) The financial audit report shall be filed within six (6) months of the close of the CCU's business fiscal year. The annual financial audit report must include, at a minimum, an income and expense statement and a balance sheet with the auditor's opinion and findings.

2) The annual financial audit report shall be filed with the Illinois Department on Aging, 421 East

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Capitol Avenue, Springfield, Illinois 62701.

- v) Maintenance of all client records and documentation as specified in this Part and applicable procedures, avoiding diagnostic terms in case notations unless such terms were provided by qualified professionals (e. g., physician, nurse, therapist).

- w) Correspondence as required in performing all specified responsibilities.

- x) Obtain any necessary consent and cooperation for release of information when required to document case record material and to take subsequent indicated action.

- y) Other activities as required by State or Federal or local rules, regulations, and ordinances as they relate to the CCP.

(Source: Amended at 15 Ill. Reg. 18568, effective December 13, 1991
Section 240.1430 Case Management Staff Positions, Qualifications
and Responsibilities

- a) A Case Coordination Unit (CCU) shall have specified staff to carry out the following functions:

- 1) case management, and
- 2) supervision of case managers.

- b) Case management supervisor qualifications shall be as specified in 89 Ill. Adm. Code 220.605(a)(2).

- c) ~~Case management supervisor activities and responsibilities shall, at a minimum, include:~~

- 1) documented provision of training to staff on Department policies, procedures and case management techniques as required by Section 240.1440;

- 2) ~~consultation on Client Agreement Plan of Care activities;~~

- 3) ~~documented quarterly review of individual case files and case manager decisions on at least a 10% sample basis for each case manager.~~

- 4) ~~documented oversight of all case manager activities and responsibilities; and~~

- 5) ~~annual written performance evaluation of each case manager for whom the supervisor carries out the above responsibilities.~~

- d) Case manager qualifications shall be as specified in 89 Ill. Adm. Code 220.605(a)(4).

- e) Case Manager activities and responsibilities shall, at a minimum, include:

- 1) administration of the Determination of Need;
- 2) development of a CCP Client Agreement - Plan of Care;
- 3) performance and/or approval of nursing home prescreening;
- 4) performance of Illinois Department of Mental Health and Developmental Disabilities (IDMHDD) OBRA-1 (Level I ID Screen);
- 5) authorization of CCP services; and
- 6) attendance at appeal hearings.

- f) Required activities which may be performed by a case manager or other CCU staff include:

- 1) screening of inquiries;
- 2) arranging for service implementation in accordance with each specific Client Agreement - Plan of Care;
- 3) completing Case Authorization Forms;
- 4) reviewing and correcting Case Authorization Forms
- 5) assisting vendors with Vendor Request for Payment (VRFP) reflects;
- 6) timely provision of documents requested by the Department for client appeals or other Departmental matters;

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- 7) implementing case transfers; and
- 8) assisting with referral of applicants/clients to the Illinois Department of Public Aid for Medicaid application as requested.

(Source: Added at 15 Ill. Reg. 18568, effective December 13, 1991)

Section 240.1440 Training Requirements For Case Management Supervisors and Case Managers

Case Coordination Units (CCUs) in the performance of their Community Care Program (CCP) contract, shall adhere to the following training requirements immediately upon adoption of this Section regardless of whether a procurement has occurred pursuant to 89 Ill. Adm. Code 220.610 et seq.

a) Case Management Supervisors

- 1) Either prior to or within forty (40) sixty (60) calendar days from the date of employment with the Case Coordination Unit (CCU), each case management supervisor shall successfully complete:

A) Department sponsored Community Care Program (CCP) training on the Determination of Need (DON), eligibility determination, care planning, nursing home prescreening, and IDMHDD OBRA-1 (Level I ID Screen).

B) Successful completion of the above training shall be established by certification.

- 2) Each case management supervisor shall meet the following in-service training requirements:

A) Recertification of CCP training within sixty (60) calendar days from the sixth (6th) month anniversary of initial certification (e.g., initial training in January, recertification no later than September) and eighteen months from the month anniversary of each previous recertification (e.g., recertification in September, subsequent recertification no later than March of the second following year); and

B) annual recertification of CCP training within

sixty (60) calendar days from the month anniversary of each previous recertification (e.g., recertification in September, subsequent recertification no later than November of the following year); and

e) Eighteen (18) hours of documented in-service training on aging related subjects within each calendar year. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment. Documented participation in in-house staff training and/or local, State, regional or national conferences on aging related subjects, in addition to and the recertification required in subsection (A) above, will qualify as in-service training on an hour-for-hour basis.

b) Case Managers

- 1) Prior to performing CCP eligibility determinations and developing plans of care, each case manager and each supervisor acting as a case manager shall successfully complete:

A) Department sponsored CCP training on the DON, eligibility determination, care planning, nursing home prescreening and IDMHDD OBRA-1 (Level I ID Screen).

B) Successful completion of the above training shall be established by preliminary certification which shall expire ninety (90) days-six months from completion of training.

- 2) Each case manager and each supervisor acting as a case manager shall meet the following in-service training requirements:

A) recertification of CCP training within ninety (90) calendar days-six months from the initial preliminary certification (e.g., initial preliminary training in January, full recertification no later than September/July); and

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- B) annual-recertification of CCP training within sixty (60) calendar days from the the eighteen month anniversary of each previous recertification (e. g., full recertification in April, subsequent recertification no later than June-October of the second following year); and
- C) eighteen (18) hours of documented in-service training on aging related subjects within each calendar year. For partial years of employment, training shall be prorated to equal 1.5 hours for each full month of employment. Documented participation in in-house staff training and/or local, State, regional or national conferences on aging related subjects, in addition to the certification required in subsection (A) above, will qualify as in-service training on an hour-for-hour basis.

(Source: Added at 15 Ill. Reg. 18568, effective December 13, 1991)

SUBPART Q: CASE COORDINATION UNIT PROCUREMENT

Section 240.1710 Procurement Cycle For Case Management Services

The Department will solicit Proposals as specified in 89 Ill. Admin. Code 220.610 through 220.645 on the same three (3)-year cycle specified in 89 Ill. Admin. Code 220.615(a). When conducting the solicitation as specified in 89 Ill. Admin. Code 220.655(g), the Department shall assume all responsibilities specified for the Area Agency on Aging in 89 Ill. Admin. Code 220.610 through 220.645.

(Source: Added at 15 Ill. Reg. 18568, effective December 13, 1991)

Section 240.1720 Case Coordination Unit Compliance Review

- a) Each Case Coordination Unit (CCU) under contract to the Department must comply with the Request for Proposal, Federal, State and local laws, regulations and Department rules, policies and procedures. When the CCU signs the contract, this signature shall be the CCU's certification that all applicable laws, rules and regulations will be complied with, as well as all statements included in the CCU Proposal except those contradicting applicable laws, rules and regulations.

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- b) The Department shall have the authority to conduct a Case Coordination Unit Compliance Review (CCUCR) of a contracted CCU agency at any time during the course of the CCU's contract period for the purpose of protecting the health, safety and welfare of Community Care Program clients.
- c) The Department shall conduct a Case Coordination Unit Compliance Review (CCUCR) in accordance with procedures established in subsection (d) below and pursuant to 89 Ill. Adm. Code 220.660. CCUCRs shall be conducted no less frequently than one review during each 36-thirty-six month period.
- d) A CCU Compliance Review (CCUCR) will consist of two phases: an initial phase and a final phase.
- 1) In the initial phase, CCUs will be provided a copy of the CCUCR instrument prior to an on-site review.
- A) A random sample of files, based on caseload size, will be selected, and
- B) an on-site review performed.
- 2) Following the on-site review, an initial findings confirmation letter and CCUCR summary of findings will be issued to the CCU.
- 3) If a CCU has been found to be in compliance, the CCUCR will be concluded with the initial findings confirmation letter and the initial CCUCR report.
- 4) A non-compliant CCU will have sixty (60)-calendar days from the date of receipt of the initial findings confirmation letter to achieve compliance.
- 5) A non-compliant CCU may request technical assistance from the Department within fifteen (15)-calendar days from the date of receipt of the initial findings confirmation letter.
- 6) Following the conclusion of the sixty (60)-calendar day interval, the Department will conduct the final phase of the CCUCR on-site.
- A) The previously determined non-compliance findings and files will be re-examined.

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B) In addition, a sample equal to the number of previously determined non-compliant files will be reviewed, where applicable.

7) Following the completion of the final phase on-site review, the CCU will receive the final CCUCR report. A copy of this report will be forwarded to the Area Agency on Aging.

e) CCUCR Reports shall be maintained by the Department and findings shall be acted upon as specified in 89 Ill. Adm. Code 220.670.

f) The Department shall have the authority to conduct reviews/audits of a contracted CCU, other than CCUCRs, at any time during the course of the CCU's contracted period pursuant to a decision to perform such reviews/audits by the Director of the Department.

(Source: Added at 15 Ill. Reg. 18568, effective December 13, 1991

SUBPART S: VENDOR-RATES

Section 240.1960 Case Management Fixed Unit Reimbursement Rates

Case Coordination Units under contract with the Department shall be uniformly reimbursed for the provision of Community Care Program (CCP) case management services at the rates established by the Department. The reimbursable CCP case management service activities upon adoption of this Section and subsequent to a procurement conducted under 89 Ill. Adm. Code 220.610 et seq. shall be as follows:

a) completion of each initial eligibility determination for Community Care Program services;

b) completion of each redetermination of Community Care Program eligibility not to exceed one (1) redetermination per month per client;

c) completion of each face-to-face prescreening of an applicant;

d) completion of each Illinois Department of Public Aid Interagency Certification of Results-Determination of Imminent Risk form, following prescreening by hospital discharge staff.

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e) completion of each Illinois Department of Mental Health and Developmental Disabilities (IDMHDD) OBRA-1 (Level I ID Screen);

f) availability to receive client inquiries and requests, by telephone or in person, and to respond to such requests and inquiries for each active client per month;

g) completion of each deinstitutionalization.

(Source: Added at 15 Ill. Reg. 18568, effective December 13, 1991

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1) Heading of the Part: General Programmatic Requirements2) Code Citation: . 89 Ill. Adm. Code 2203) Section Numbers: Adopted Action:

220.600, 220.605, 220.610	New Sections
220.615, 220.620, 220.625	New Sections
220.630, 220.635, 220.640	New Sections
220.645, 220.650, 220.655	New Sections
220.660, 220.665, 220.670	New Sections

4) Statutory Authority: Ill. Rev. Stat. 1989, Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.025) Effective Date of Amendment(s): December 13, 19916) Does this rulemaking contain an automatic repeal date?
Yes X No7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: December 10, 19919) Notice of Proposal Published in Illinois Register:December 14, 1990: 14 Ill. Reg. 19442
(issue date)10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? NO11) Difference(s) between proposal and final version:

The following changes have been made in response to comments received during the first notice period:

Table of Contents:

Section 220.650:

"Protest or" has been deleted; and, "Objections" has been changed to "Objection".

Section 220.600:

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Subsection 220.600(a):

The period at the end of the subsection has been deleted.

Subsection 220.600(a)(1)(3):

"(1)" immediately following "one" has been deleted.

Subsection 220.600(b):

A comma has been added and inserted immediately following "services" and immediately before "with".

Subsection 220.600(c):

The following sentence has been added and inserted between the first and last sentences of this subsection:

"The Area Agency shall arrange for funding of such higher standards."

Subsection 220.600(d)(3):

"Care" has been changed to "Case"; and the phrase "plan of care" has been changed to "goal-oriented case plan".

Subsection 220.600(d)(4):

"Care" has been changed to "Case".

Subsection 220.600(e):

"have and observe written policies and procedures for the following" has been deleted.

Subsection 220.600(e)(1):

"Coordinating" has been changed to "Coordinate".

Subsection 220.600(e)(2):

"Coordinating" has been changed to "Coordinate";

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and, "must" has been changed to "and shall".

Subsection 220.600(e)(3):

"Assuring" has been changed to "Assure".

Subsection 220.600(e)(4):

"Assuring" has been changed to "Assure".

Subsection 220.600(e)(5):

"Providing" has been changed to "Arrange".

Subsection 220.600(e)(6):

"Complying" has been changed to "Comply"; and, "the" has been added and inserted immediately following "with" and immediately before "Illinois" and immediately following "68)," and immediately before "Equal".

Subsection 220.600(e)(7):

"Perform" has been added and inserted immediately before "Service" which has been changed to "service".

Subsection 220.600(e)(8):

"Establish" has been added and inserted immediately before "Personnel" which has been changed to "personnel"; and, "wage scales" has been changed to "wages".

Subsection 220.600(e)(8)(B)(i):

"or resume" has been added and inserted immediately following "application".

Subsection 220.600(e)(8)(B)(iv):

"Certification" has been changed to "Documentation".

Subsection 220.600(e)(8)(C):

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"Each employee file shall also contain documentation of the following items:" has been changed to "The CCU shall demonstrate that:".

Subsection 220.600(e)(8)(C)(i):

"That" immediately before "a" has been deleted.

Subsection 220.600(e)(8)(C)(ii):

"That" immediately before "the" has been deleted.

Subsection 220.600(e)(8)(C)(iii):

"That" immediately before "the" has been deleted; and, "wage scale" have been changed to "wages".

Subsection 220.600(e)(8)(C)(iv):

"That" immediately before "the" has been deleted.

Subsection 220.600(e)(9):

This subsection has been added and inserted immediately following subsection 220.600(e)(8)(C)(iv) and reads:

"Assure each individual employed by the CCU having face-to-face contact with clients in the client's residence shall be free from communicable disease."

Subsection 220.600(o):

"client" immediately following "including" and immediately before the word "files" has been deleted; "of terminated clients" has been added immediately following "files" and immediately before "which"; "(3)" has been deleted in two places; and, "termination date of the contract/grant" has been changed to "submission of the last expenditure report of the appropriate fiscal year".

Section 220.605:

Subsection 220.605(a):

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"to perform" immediately following "contract/grant" and immediately before "is" has been deleted.

Subsection 220.605(a)(1)(A):

"plan of care activities" has been changed to "case management activities as needed to provide proper supervision;"

Subsection 220.605(a)(1)(B):

The semi-colon following "techniques" has been changed to a comma; and, the phrase "including those specified in Section 240.1440;" has been added and inserted immediately following "techniques,"

Subsection 220.605(a)(2):

"be" has been deleted.

Subsection 220.605(a)(2)(A):

"be" has been added and inserted immediately before "either"; and, "or" immediately following "administration;" has been deleted.

Subsection 220.605(a)(2)(B):

The period at the end of the second sentence has been changed to a semi-colon; and, "or" has been added and inserted immediately following "elderly;"

Subsection 220.605(a)(2)(C):

This subsection has been added and inserted immediately following subsection 220.605(a)(2)(B) and reads:

"be waived for persons hired/serving in this capacity prior to rule adoption."

Subsection 220.605(a)(3)(B):

"plan of care" has been changed to "case plan".

Subsection 220.605(a)(4):

A colon has been added and inserted immediately following "shall"; and, "be a RN, or a BSN or a BA/BS degree in social science, social work or related field, or a LPN." has been deleted.

Subsection 220.605(a)(4)(A):

"be a RN, or a BSN or a BA/BS degree in social science, social work or related field." has been added and inserted immediately before "One"; a comma has been added and inserted immediately following the word "experience" in the second sentence; "which is defined as assessment, provision, and/or authorization of formal services for the elderly," has been added and inserted immediately following "experience," in the second sentence; and, the period at the end of the second sentence has been changed to a semi-colon.

Subsection 220.605(a)(4)(B):

"A" has been changed to "a"; "must have three" has been changed to "with one"; "years" has been changed to "year"; the period at the end of the subsection has been changed to a semi-colon; and "or" has been inserted immediately following "provision;"

Subsection 220.605(a)(4)(C):

This subsection has been added and inserted immediately following subsection 220.605(a)(4)(B) and reads:

"be waived for persons hired/serving in this capacity prior to rule adoption."

Section 220.610:

"after the effective date of this Section" has been added and inserted immediately following "220.640".

Section 220.615:

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Subsection 220.615(a):

"state" has been changed to "State"; "federal" has been changed to "Federal"; and "(3)" has been deleted.

Subsection 220.615(b):

"(1)", "(2)" and "(3)" have been deleted throughout this subsection.

Subsection 220.615(c):

"(30)" has been deleted.

Section 220.620:

"AAA" has been added and inserted immediately following "Aging" in the first sentence.

Section 220.625:

Subsection 220.625(a)(1):

"(3)" and "(10)" have been deleted.

Subsection 220.625(b):

"to be bid" has been deleted.

Subsection 220.625(b)(1):

"(2)" has been deleted.

Section 220.630:

Subsection 220.630(a)(1):

The following sentence has been added and inserted between the first and last sentences of this subsection:

"AAAs shall arrange for funding for such higher standards."

Subsection 220.630(a)(2):

"Outreach," has been added and inserted immediately following "Referral," and immediately before "Ombudsman".

Subsection 220.630(c)(6):

"person" has been changed to "persons".

Subsection 220.630(d)(2):

"(7)" has been deleted.

Subsection 220.630(e):

"or AAA" has been added and inserted immediately following "Department".

Section 220.635:

Subsection 220.635(b):

"(3)" has been deleted.

Section 220.640:

Subsection 220.640(c)(2)(A):

A comma has been added and inserted immediately following "contract"; and, "in the planning and service area," has been added and inserted immediately following "contract,".

Subsection 220.640(c)(2)(B):

"current Title grant for non-case management service or for CCP homemaker, chore housekeeping or adult day care contract, (10 points); or" has been changed to "current Title III grant for non-case management service in the planning and service area, or CCP homemaker, chore-housekeeping, or adult day care contract in the planning and service area; or a currently designated CCU in a planning and service area contiguous to the planning and service area, (15 points), or".

Subsection 220.640(c)(3):

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has been changed to subsection 220.640(c)(2)(C) and reads as follows:

"experience in the provision of case management service(s) other than CCP or Title III CCU, (10 points)."

Subsection 220.640(c)(4):

has been changed to subsection 220.640(c)(3).

Section 220.645:

Subsection 220.645(a)(4)(A):

"(10)" has been deleted.

Subsection 220.645(b)(2):

"applicant's and successful applicant's" has been added and inserted immediately following "the" and immediately before "score".

Section 220.650:

"Protest or" has been deleted; and, "Objections" has been changed to "objection".

Subsection 220.650(a):

"Section" has been changed to "subsection"; and, "protest or" has been deleted.

Subsection 220.650(a)(1):

"A" has been changed to "An"; "protest or" has been deleted; "(10)" has been deleted; and, "protestor" has been changed to "objector".

Subsection 220.650(a)(2):

"a" has been changed to "an"; and, "protest or" has been deleted.

Subsection 220.650(a)(3):

"protest or" has been deleted; and, "protest" has

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been changed to "objection".

Subsection 220.650(a)(4):

"protest or" has been deleted.

Subsection 220.650(a)(4)(C):

"protest or" has been deleted.

Subsection 220.650(a)(5):

"protesting/" has been deleted in both the first and second sentences; and, "protest" has been changed to "objection".

Subsection 220.650(b):

"protest" has been changed to "objection".

Subsection 220.650(c):

"protest or" has been deleted in both the first and second sentences; the period has been deleted immediately following "et"; and, "is in relation" has been changed to "relates".

Subsection 220.650(d):

"protest or" has been deleted.

Section 220.655:

Subsection 220.655(h):

"(1)" has been deleted.

Section 220.660:

"on Aging" has been deleted.

Subsection 220.660(c)(2):

A period has been added and inserted immediately following "230".

Section 220.665:

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Subsection 220.665(b)(2):

"The respective" has been added and inserted immediately before "CCU"; and, "and shared" has been added and inserted immediately following "maintained" and immediately before "by".

Section 220.670:

Subsection 220.670(a)(1):

"being placed 'On-Notice'" has been changed to "suspension of some or all payments".

Subsection 220.670(c)(2):

"Peer" has been changed to "Advisory".

Subsection 220.670(c)(3):

"(10)" has been deleted; "calendar" has been changed to "work"; and, "Peer" has been changed to "Advisory".

Subsection 220.670(d):

"a" has been changed to "an"; "Peer" has been changed to "Advisory"; and, "(10)" has been deleted.

Subsection 220.670(d)(1):

"Peer" has been changed to "Advisory".

Subsection 220.670(d)(2):

"Peer" has been changed to "Advisory".

Subsection 220.670(e):

"Peer" has been changed to "Advisory".

Subsection 220.670(e)(1):

"(3)" has been deleted.

Subsection 220.670(e)(2):

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"(2)" has been deleted.

Subsection 220.670(e)(3):

"(1)" has been deleted.

Subsection 220.670(e)(4):

"(1)" has been deleted.

Subsection 220.670(f):

"Peer" has been changed to "Advisory"; and, "Planning and Service Area" has been changed to "planning and service area".

Subsection 220.670(g):

"Peer" has been changed to "Advisory".

Subsection 220.670(h):

"Peer" has been changed to "Advisory".

Subsection 220.670(i):

"Peer" has been changed to "Advisory" throughout this subsection; and, "(15)" has been deleted.

Subsection 220.670(j):

"Peer" has been changed to "Advisory".

Subsection 220.670(l):

has been changed to "subsection 220.670(k)".

Subsection 220.670(m):

has been changed to "subsection 220.670(l); and, "(10th)" has been deleted.

Subsection 220.670(n):

has been changed to "subsection 220.670(m)" and, "(10th)" has been deleted.

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Subsection 220.670(o):

has been changed to "subsection 220.670(n)".

Subsection 220.670(o)(1):

the periods immediately following "et" and "seq." have been deleted.

Subsection 220.670(p):

has been changed to "subsection 220.670(o)".

Subsection 220.670(q):

has been changed to "subsection 220.670(p)"; the period immediately following "appeal" has been changed to a comma; and, "with a copy to the appropriate AAA." has been added and inserted immediately following "appeal".

The following changes have been made in response to comments received from the Administrative Code Unit:

Table of Contents:

in the title of Section 220.630: "Request For" has been added and inserted immediately following "Unit" and immediately before "Proposal"; and, "and Guidelines" has been deleted.

SOURCE:

the very last reference to the Illinois Register has been changed from "14 Ill. Reg." to "15 Ill. Reg."

AUTHORITY NOTE:

updated all Ill. Rev. Stat. citations to 1989.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement was necessary to resolve Committee questions.

13) Will this amendment replace an emergency amendment currently

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in effect? NO

14) Are there any proposed amendments pending on this Part? No

15) Summary and Purpose of Amendment(s):

These amendments are being adopted to assure increased uniformity and consistency of case management statewide in order to improve access to and quality of home and community based services.

In addition, this rulemaking is to provide programmatic requirements relative to the case management services provided through Older Americans Act Programs (89 Ill. Adm. Code 230) and the Community Care Program (89 Ill. Adm. Code 240).

16) Information and questions regarding this adopted amendment shall be directed to:

Name:

Mary J. Mayes
Policy and Rules Analyst
Illinois Department on Aging

Address:

421 East Capitol Avenue
Springfield, IL 62701

Telephone:

(217) 785-3357

The full text of the Adopted Amendment(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT OF AGING

PART 220

GENERAL PROGRAMMATIC REQUIREMENTS

Section	Confidentiality and Disclosure of Information
220.100	Client Cooperation
220.200	Referral Requirements
220.300	Other Resources Supporting the Cost of In-Home Care Services
220.400	Appeals and Fair Hearings
220.500	Initiation of Appeal Process
220.501	Request for Hearing or Appeal
220.502	Place of Filing
220.503	Responsibility of Department or Area Agency on Aging
220.504	Informal Review
220.505	Hearing Officer
220.506	Notice of Hearing
220.507	Representation of Appellant
220.508	Appellant Participation in Hearing
220.509	Amendment of Appeal
220.510	Consolidation of Appeals
220.511	Postponement of Hearing
220.512	Withdrawal of Appeal
220.513	Evidentiary Requirements
220.514	Closing of Hearing Record
220.515	Dismissal of Appeals
220.516	Transcript
220.517	Decision
220.518	Notice of Decision to Appellant
220.519	Public Review
220.520	Case Coordination Unit Minimum Standards
220.600	Case Management Staff Requirements and Qualifications
220.605	Case Coordination Unit Procurement
220.610	Procurement Cycle
220.615	Definition of Case Coordination Unit Request For Proposal
220.620	Issuance of Case Coordination Unit Proposal and Guidelines
220.625	Content of Case Coordination Unit Request For Proposal
220.630	Review of Case Coordination Unit Proposals
220.635	Evaluation of Case Coordination Unit Proposals
220.640	Designation of Case Coordination Units
220.645	Protest or Objections to Case Coordination Unit Award Determination
220.650	

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220.655	Procurement of a Replacement Case Coordination Unit
220.660	Compliance Reviews of Case Coordination Units
220.665	Case Coordination Unit Compliance
220.670	Sanctions for Case Coordination Unit Failure to Comply with Case Management Contract/Grant

APPENDIX A Names and Addresses of Area Agencies on Aging by Planning and Service Area

AUTHORITY: Implementing and authorized by Section 4.01 of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, par. 6104.01).

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; codified at 8 Ill. Reg. 19310; amended at 15 Ill. Reg. 18603, effective December 13, 1991

Section 220.600 Case Coordination Unit Minimum Standards

a) To be designated as a Case Coordination Unit (CCU) for a specific geographic area, as identified by the Area Agency on Aging (AAA) in a specified planning and service area, an agency shall enter into a contract or grant with the AAA to provide Title III (Older Americans Act) case management services pursuant to 89 Ill. Adm. Code 230 (Subpart G) and with the Department to provide Community Care Program (CCP) case management services pursuant to 89 Ill. Adm. Code 240.260 and 240.1400 et seq.

1) The agency shall be a free-standing, single purpose agency, or shall be part of a multi-purpose agency. A multi-purpose agency shall have a separate, clearly definable organizational unit functioning as the CCU.

A) An AAA shall not be designated a CCU except in an emergency situation as specified in Section 220.655(g).

B) A CCP vendor may not serve as a CCU in the same contract service area except in temporary situations as specified in 89 Ill. Adm. Code 240.1400(f).

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- 2) The designation of CCUs shall be accomplished by the AAA and the Department as described in Sections 220.610 through 220.645.
- 3) Only one (4)-designated CCU shall have jurisdiction in a particular geographic area.
- b) Case management service is defined as the provision of comprehensive needs assessments and service coordination to assist older persons to gain access to and receive needed services, with efforts made to mobilize and coordinate formal and informal sources of support on behalf of the older person.
- c) An individual AAA may establish additional requirements than those specified in subsections (d) through (o) relative to any contract/grant for case management services provided in its respective planning and service area. The Area Agency shall arrange for funding of such higher standards. Such additional requirements shall bear no additional cost to the Department.
- d) Case management service activities shall minimally include (as specified in 89 Ill. Adm. Code 230.250(i)(1) and 240.1420):
- 1) Intake: Older persons who are potentially in need of case management services shall be screened.
 - 2) Needs Assessment: A face-to-face assessment/reassessment shall be conducted for all Title III case management clients and CCP applicants/clients.
 - 3) Care-Case Plan Development: A written plan of care goal-oriented case plan shall be prepared for all individuals determined to be in need of case management services.
 - 4) Care-Case Plan Implementation: A referral of the client shall be made to appropriate formal and informal resources.
 - 5) Follow-up: Contact to ensure that service has been implemented for the client.
- e) The CCU shall have and observe written policies and procedures for the following:

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- 1) Coordinate services with the following types of organizations in the contractual area:
- A) Information and Referral Providers
 - B) Health Care Providers
 - C) Social Service Providers
 - D) Public Assistance Organizations
 - E) Elder Abuse Provider Agencies
- 2) Coordinate services to individual clients ~~must~~ and shall, at a minimum, include a process for handling information requests, referrals, and follow-up activities.
- 3) Assure that each client has an assigned case manager to contact, and back-up procedures for assigning a substitute case manager, who meets the minimum requirements specified in Section 220.605 and in 89 Ill. Adm Code 240.1440, in the absence of the assigned case manager.
- 4) Assure maintenance of and safeguarding the use of and disclosure of information relating to applicants and clients as required by Federal or State laws, rules and regulations and the requirements specified in Section 220.100 and in 89 Ill. Adm. Code 240.340.
- 5) Arrange providing services to non-English speaking and hearing impaired applicants and/or clients.
- 6) Complying with the Illinois Human Rights Act (Ill. Rev. Stat., 1989, ch. 68), the Equal Employment Opportunity Act of 1974, the Federal Rehabilitation Act of 1973, the Federal Immigration and Relocation Act of 1986, and the Department's Civil Rights Program.
- 7) Perform service activities and responsibilities for which a contract/grant is in effect.
- 8) Establish personnel policies, job descriptions, and wage scales/wages for each job category. Personnel

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policies shall include hours of work, benefits, and promotion and evaluation criteria.

- A) There shall be a written job description for each job category for all paid and volunteer staff positions which are part of the service.
- B) Personnel records shall be maintained for each employee and shall include at least the following:

- i) Employee application or resume;
- ii) Annual performance evaluation;
- iii) Supervisory reports regarding case managers; and
- iv) Certification Documentation of meeting all training requirements specified in Section 240.1440.

- C) Each employee file shall also contain documentation of the following items: The CCU shall demonstrate that:

- i) That a copy of the employee's specific job description has been provided to the employee;
- ii) That the employee has received a copy of current written personnel policies for his/her specific job category at the time of employment and any subsequent revisions;
- iii) That the employee has been informed of the wage-scale wages for the specific job category at the time of employment and any subsequent revisions;
- iv) That the employee benefits and grievance procedures, which meet applicable Federal and State regulations, have been clearly stated and provided in writing for each employee.

- g) Assure each individual employed by the CCU having face-to-face contact with clients in the client's residence shall be free from communicable disease.

- f) The CCU shall be located to provide accessibility to older persons and their families and other organizations providing services to the elderly in the agency's jurisdiction.

- g) Any satellite office(s) operated by the CCU shall comply with all rules and regulations, as set forth in 89 Ill. Adm. Code 220, 230 and 240.

- h) The CCU shall maintain books, records, documents and other evidence of accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in performance of the contract(s) or grant(s). These records shall be subject at all reasonable times to inspection, review, or audit as specified in Ill. Adm. Code 230 and 240.

- i) The CCU shall comply with all applicable Federal, State and local laws, rules, regulations and ordinances as well as all specific requirements as set forth in this Part and in 89 Ill. Adm. Code 230 and 240.

- j) Each CCU shall carry general liability insurance in the single limit minimum amount of \$100,000 per occurrence. The policies or current letters documenting all insurance coverage shall be available in the CCU files.

- k) CCUs shall not subcontract for the direct provision of case management services unless prior written approval has been obtained from the Department and the AAA, as appropriate.

- l) CCUs are expressly prohibited from assigning either their contract with the Department or their contract/grant with the AAA.

- m) The CCU shall provide for financial audits in accordance with requirements specified in 89 Ill. Adm. Code 230.360 et seq. and 240.1420.

- n) All records, case notes or other information maintained on persons served under the contract shall be

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confidential and shall be protected by the CCU from unauthorized disclosure pursuant to Section 220.100.

- 01 All program records, reports, and related information and documentation, including client files of terminated clients, which are generated in support of a contract/grant between the CCU and the Department/AAA shall be maintained by the CCU for a minimum of three (3) years from the termination date of the contract/grant submission of the last expenditure report of the appropriate fiscal year or for a period of time otherwise specified by the Department/AAA (e. g., if any litigation, claim or audit is started prior to the expiration of the three (3)-year period, the records shall be retained until all litigation, claims or audit findings involving the affected records, information or documentation has been resolved).

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.605 Case Management Staff Requirements and Qualifications

- a) The agency shall have sufficient staff to perform all activities and to fulfill all responsibilities outlined in Ill. Adm. Code 230.610 et seq. and 240.1400 et seq. for which a contract/grant to perform is in effect.

- 1) Case management supervisor activities shall include:

- A) consultation on plan of care activities case management activities as needed to provide proper supervision;

- B) documented provision of training on Illinois Department on Aging and Area Agency on Aging policies, procedures and case management techniques, including those specified in Section 240.1440;

- C) annual written performance evaluation of case managers for whom they serve as supervisor.

- 2) Case management supervisor minimum qualifications shall be:

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- A) be either a RN, or have a BSN or a BA/BS degree in health or social sciences, social work, or health service administration; or
- B) have at least two years experience in health or human services. This experience shall include one year of supervisory experience or program experience, which is defined as assessment, provision, and/or authorization of formal services for the elderly; or

- C) be waived for persons hired/serving in this capacity prior to rule adoption.

3) Case manager activities shall include:

- A) administration of the appropriate intake form, including a comprehensive needs assessment;
- B) development of a plan of care case plan;

- C) making appropriate referrals and responding to applicant/client requests;

- D) authorization of services; and

- E) maintaining case records, including documentation of follow-up and of termination.

- 4) Case manager minimum qualifications shall be: a RN, or a BSN or a BA/BS degree in social science, social work or related field, or a LPN, or a BSN or a BA/BS degree in social science, social work or related field, or a LPN.

- A) be a RN, or a BSN or a BA/BS degree in social science, social work or related field. One year of program experience, which is defined as assessment, provision, and/or authorization of formal services for the elderly, may replace one year of college education up to and including four years of experience replacing a baccalaureate degree;

- B) Aa LPN must have three with one years of program experience which is defined as assessment of and provision of formal services for the elderly and/or authorizing service provision; or

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c) be waived for persons hired/serving in this capacity prior to rule adoption.

5) Case Manager Supervisors and case managers shall meet all training requirements as specified in Section 240.1440.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.610 Case Coordination Unit Procurement

In order to maximize competition in procurement, case management services shall be procured through use of the Request for Proposal process described in Sections 220.615 through 220.640 after the effective date of this Section.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.615 Procurement Cycle

At least once every three years each county/service area will be opened for free and open competition for designation to provide case management services as specified in Section 240.645.

a) To ensure that each contract/grant is procured pursuant to these rules, all areas of the State will have been opened for initial solicitation by the end of Federal Fiscal Year 1994 to begin the three (3)-year cycle.

b) The Department/Area Agency on Aging (AAA) shall offer a contract/grant for a one (1)-year period, with option to extend the contract/grant for a period of time not to exceed two (2)-additional one (1)-year periods following the initial contract execution. Thus, a contractor exhibiting good service performance might be retained, through contract extension, for a three (3)-year period.

c) In the event that a change in the reimbursement amount occurs during the period of the contract/grant, the Department/AAA shall exercise the thirty (30)-calendar day termination or mutual amendment rights specified in the contract/grant, in order to ensure full implementation of the adjusted rate.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.620 Definition of Case Coordination Unit Request For

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Proposal

A Request for Proposal (RFP) is a form of invitation to bid which the Department and the Area Agency on Aging (AAA) shall use to obtain case management services to be provided by a Case Coordination Unit (CCU). The RFP shall explain the purpose of the invitation to bid, outline the scope of the work, and solicit proposals from agencies for the funding of case management services to be provided by CCUs for the Department's Community Care Program and for the Area Agency on Aging.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)
Section 220.625 Issuance of Case Coordination Unit Proposal and Guidelines

a) All Case Coordination Unit (CCU) procurement actions shall be advertised in the official State newspaper.

1) Advertisements shall appear at least three (3) times with the first and last advertisement at least ten (10)-calendar days apart.

2) Advertisements shall detail the Department's and AAA's needs or may generally indicate needs while inviting agencies to request the CCU Proposal and Guidelines (refer to Section 220.230).

b) The Department and the AAA shall establish and maintain a list of applicants/agencies who are interested in providing case management services to be bid and have demonstrated that interest in writing to the Department or to the AAA.

1) The Department shall provide the AAA with the Department's list of applicants/agencies, and the AAA shall provide the Department with the AAA's list of applicants/agencies, at least two (2)-weeks prior to issuance of the CCU Proposal and Guidelines.

2) A CCU Proposal and Guidelines shall be sent to all applicants/agencies on these mailing lists by the AAA.

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- 3) The applicant/agency lists shall be maintained until the Request for Proposal (RFP) process has been completed.
- 4) Following the RFP and subsequent award process, applicants must again request placement on the list in writing for the next solicitation.
- c) The AAA shall ensure that a CCU Proposal and Guidelines are issued to current contractors in good standing whose service areas are open for solicitation.

Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991

Section 220.630 Content of Case Coordination Unit Request For Proposal and Guidelines

- a) A standard Case Coordination Unit (CCU) Proposal and Guidelines shall be utilized by an Area Agency on Aging (AAA) conducting a solicitation, or by the Department in the event that a particular AAA is unwilling or unable to conduct the procurement. Prior to the beginning of the procurement cycle, the standard CCU Proposal and Guidelines shall be developed jointly by the Department and AAAs, and shall be utilized by all AAAs.

- 1) Additional requirements (refer to Section 220.600 (c)) mandated by a particular AAA shall be added to the standard CCU Proposal. AAAs shall arrange for funding for such higher standards. Such additional standards shall bear no additional cost to the Department.

- 2) Additional services, if required by a particular AAA to be provided through a case management contract/grant, shall be directly related to case management services as defined in Section 220.600 (b) (e.g. Information and Referral, Outreach, Ombudsman) and shall be added to the standard CCU Proposal.

- b) The CCU Proposal shall consist of the questions and required attachments to be completed by the applicant and returned to the AAA or the Department, as appropriate, for consideration and scoring.

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- c) The Guidelines for Completion of the CCU Proposal shall contain necessary information to enable a prospective CCU to prepare a proposal, including:

- 1) a clear and accurate description of the case management service to be provided;
- 2) the submission process;
- 3) the review process;
- 4) general contract and bid information;
- 5) date, time and address of bidders' conference, when applicable;
- 6) contact persons;
- 7) evaluation factors and the weighting of those factors;
- 8) anticipated amounts of contract/grant award for service.

- d) All proposals shall be considered as submitted and may not be amended or revised except as determined by the AAA or the Department, as appropriate, upon submission of supportive evidence of an apparent clerical mistake or other informality disclosed prior to award of the contract/ grant. (See Section 220.640.)

- 1) No corrections shall be permitted to make unresponsive proposals responsive to the rating criteria and proposal guidelines.

- 2) Allowable administrative corrections will be made by the AAA or the Department, as appropriate, within seven (7) calendar days from the date of receipt of documentation supporting the administrative corrections.

- e) A proposal which does not respond to all requirements in the CCU Proposal and Guidelines shall be deemed incomplete and shall not be considered by the Department or AAA.

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- f) The Director of the Department reserves the right to reflect any informality of a proposal when, in the Director's opinion, the best interests of the State will be served by such action.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.635 Review of Case Coordination Unit Proposals

- a) Upon receipt of the proposals, the Area Agency on Aging (AAA) shall log in the proposals.
- b) Three (3) copies of each proposal shall be placed in a sealed envelope for transmission to the Department.
- c) The AAA will review and score all proposals, in accordance with Section 220.640, on a standard score sheet.
- d) The AAA will transmit the sealed proposals, the scoring sheets, and the AAA's written recommendation for designation (refer to Section 220.645) to the Department.
- e) The Department will review the AAA's process and recommendation for designation.
- f) The Department will develop its recommendation for designation.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.640 Evaluation of Case Coordination Unit Proposals

- a) A proposal which fails to meet minimum requirements, contained in 89 Ill. Adm. Code 220, 230, and 240, shall be rejected.
- b) When determining if an applicant shall be recommended for designation, the Area Agency on Aging (AAA) or the Department shall evaluate the Case Coordination Unit (CCU) Proposal.
- c) The quality criteria and assigned points for items scored in the CCU Proposal are:
- 1) Experience in the provision of Community Care Program (CCP) case management service.

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- A) current CCP contracted CCU in solicited area, (25 points); or
- B) current contracted CCP CCU in area contiguous to the solicited area, (15 points); or
- C) current contracted CCU in the Community Care Program, (10 points).

2) Experience in the provision of Title III of the Older Americans Act services:

- A) current Title III case management grant or contract, in the planning and service area, (25 points), or
- B) ~~current Title III grant for non-case management service or for CCP homemaker, chore housekeeping or adult day care contract, (10 points); or~~
- B) current Title III grant for non-case management service in the planning and service area, or CCP homemaker, chore-housekeeping, or adult day care contract in the planning and service area; or a currently designated CCU in a planning and service area contiguous to the planning and service area, (15 points), or

3) ~~Experience in the provision of case management services(s) other than CCP or Title III CCU, (5 points).~~

- C) experience in the provision of case management service(s) other than CCP or Title III CCU, (10 points).

43) Exceeding Minimum Requirements:

- A) Service Delivery 0 - 5 points
- B) Client Issues 0 - 5 points
- C) Staffing 0 - 15 points
- D) Fiscal 0 - 15 points

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- E) Agency Administration 0 - 5 points
F) Training of staff 0 - 5 points

- d) The written evaluation of the CCU Proposal shall identify the final score of each proposal.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.645 Designation of Case Coordination Units

- a) The Director of the Department shall represent and act for the State in all matters pertaining to the Request for Proposal process and to contracts awarded as a result of that process.

- 1) The Director reserves the right to reject any informality in the proposal when, in the Director's opinion, the best interests of the State will be served by such rejection.

- 2) The Director shall receive all scores, score sheets and recommendations and has the ultimate decision making authority for award of Department contracts.

- 3) If the Department and Area Agency on Aging (AAA) recommendations are in agreement, notification of intent to designate will be issued in accordance with subsection (b) below.

- 4) In the event the Department and AAA recommendations are not in agreement, the Department will notify the AAA in writing of its recommendation, together with an explanation of the differences between the two recommendations and the basis for the differences.

- A) The Department and AAA will meet to review and discuss the differences within ten (10) work days from the date of the Department's written notice to the AAA.

- B) If agreement to offer a contract/grant is reached, notification of intent to designate will be in accordance with subsection (b) below.

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- C) If agreement to offer a contract/grant is not reached, and time and circumstances allow, the Department and/or AAA will re-initiate a procurement in accordance with Sections 220.625 through 220.650.

- D) If agreement to offer a contract/grant is not reached, an emergency exists, and/or the public exigency will not permit a delay incident to competitive solicitations, the RFP process will not be used and the Department/AAA shall issue a temporary negotiated contract/grant. Circumstances under which this action is indicated include:

- i) service is immediately needed to prevent interruption of services to current clients; or
- ii) service is immediately needed to protect client's or clients' health, safety or welfare; and
- iii) only one CCU is reasonably capable or willing to perform per the Department/AAA assessment of viable alternate applicants.

- b) After the evaluation of proposals has been completed and the Department and AAA have agreed upon a designation, the Department and AAA shall jointly notify each applicant, in writing, of the applicant's success or failure to be offered a contract/grant and designation as a Case Coordination Unit (CCU). Included in the notification shall be:

- 1) a copy of the criteria used to rate the proposal,
- 2) a photocopy of the applicant's and successful applicant's score sheets, and
- 3) a comparative chart of section total scores received by a successful competitor for that geographic contract/grant area.

- c) All agencies submitting successful proposals shall be offered a contract/grant from the Department and a

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contract/grant from the AAA, as appropriate. The successful Proposal shall be an integral part of the contract/grant awarded.

d) A successful CCU shall be held accountable for all statements made in the CCU Proposal, as well as any amendments made to a contract/grant, until such time as the contract/grant is terminated or a new Proposal is solicited and the CCU has been awarded a new contract/grant.

1) A contract/grant may be amended with the mutual consent of the Department and AAA and the CCU at any time during the term of the contract/grant.

2) Determination of the extent of a CCU's compliance with that agency's proposal/contract/grant and any applicable amendments shall be made by the Department and the AAA through separate review processes.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.650 Protest or Objection to Case Coordination Unit Award Determination

a) Upon receipt of the written notice specified in ~~Subsection 220.645(b)~~, the applicant may ~~protest or~~ object to the procurement action.

1) An ~~protest or~~ objection regarding a procurement action or decision must be in writing and sent by certified or registered mail, return receipt requested, to the Director at the Department's Springfield office within ten (10) calendar days from the date of receipt by the ~~protestor~~ objector of the notice of the objectionable action.

2) The Department shall immediately notify the affected Area Agency on Aging (AAA) upon receipt of an ~~protest or~~ objection.

3) If the ~~protest or~~ objection is not received in the time specified above, the ~~protest~~ objection will be denied and the award will be made in the normal manner.

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4) ~~Each protest or~~ objection must contain:

A) A full and concise statement of the facts and circumstances of the action which is alleged to be objectionable, legally or otherwise, and

B) A statement of the relief sought.

C) A request that the Department review of the ~~protest or~~ objection be conducted either face-to-face with the appellant or through a paper work review of the relevant documentation.

5) The Department may request additional details from the ~~protesting/~~objecting agency and from the AAA at any time. Failure of the ~~protesting/~~objecting agency to supply information requested by the Department will be cause for dismissal of the ~~protest/~~objection.

b) If a written ~~protest~~ objection against the making of an award is received, the award shall not be considered final until the matter is resolved, unless the Department determines that:

1) The services to be procured are urgently required; ~~or~~

2) Delivery or performance of the services will be unduly delayed by failure to make an award promptly; or

3) A prompt award will otherwise be advantageous to the State.

c) Upon receipt of a written ~~protest or~~ objection specifying the desire of the appellant for a face-to-face review, a hearing shall be conducted in accordance with Section 220.500 et seq. and a recommendation will be made to the Director by the hearing officer. If the AAA conducted the procurement to which the ~~protest or~~ objection is in relation relates, the AAA shall act as a party in the face-to-face review.

d) Upon receipt of a written ~~protest or~~ objection specifying the desire for a paper work review of the relevant documentation, appropriate Department staff shall review

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the procurement action in question and make a recommendation to the Director.

e) The decision of the Director is final.

1) The Director shall issue a response in writing to the objecting agency which shall be sent by certified mail, return receipt requested.

2) A copy of the Director's decision shall be provided to the appropriate Area Agency on Aging.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.655 Procurement of a Replacement Case Coordination Unit

a) A contract between the Department and a Case Coordination Unit (CCU) or a contract/grant between the Area Agency on Aging (AAA) and the CCU may be terminated prior to the regular procurement cycle due to:

1) the CCU exercising its termination rights as specified in the contract/grant, or

2) the CCU failing to perform in accordance with applicable provisions of 89 Ill. Adm. Code 220, 230 and/or 240, or other provisions of the contract/grant.

b) A contract/grant may be terminated by either the Department or the AAA. Both the Department and the AAA shall abide by the decision to terminate.

c) In the event of termination of a CCU contract/grant in accordance with subsection (a) or (b), the AAA shall review the proposals submitted during the previous Request for Proposals (RFP) submittal and, following notification to and acceptance by the Department, shall offer a temporary negotiated contract/grant to the second ranked viable applicant from that previous RFP submittal.

d) If the AAA and/or the Department determines that applications from the previous RFP submittal do not yield an acceptable agency/organization for designation as the CCU, or if there was no second applicant, the AAA shall

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procure the needed CCU in accordance with the process contained in Sections 220.610 through 220.650.

e) If the AAA notifies the Department that it elects not to take the lead in procuring the needed CCU, the Department shall take the lead per Sections 220.610 through 220.650 while assuring that the AAA is apprised at all stages of the procurement/designation process.

f) In the event of an emergency, and the public exigency will not permit a delay incident to competitive solicitations, the RFP process will not be used and the Department/AAA shall issue a temporary negotiated contract in accordance with provisions of Section 220.645 (a) (4) (D).

g) In the event that no temporary negotiated contract/grant can be awarded, the Department shall request that the AAA perform the CCU function on an emergency basis. If an AAA serves as a CCU, an Area Plan direct service waiver shall be submitted to the Department, as specified in 89 Ill. Adm. Code 230.130(f).

h) All temporary and emergency contracts and grants shall expire, at a maximum, no later than the end of the next completed procurement or at the end of one (1) year, whichever occurs first.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.660 Compliance Reviews of Case Coordination Units

Case Coordination Units shall be reviewed on-site at least twice in each three-year period: once by the Department and once by the Area Agency on Aging (AAA). (See Section 220.665.) The compliance reviews conducted by the Area Agency on Aging shall not duplicate, in content, the compliance reviews conducted by the Department on Aging.

a) The Department shall develop and implement a single compliance review instrument and compliance review process to be applied during any single funding period.

b) In order to ensure statewide continuity, the AAAs shall develop and implement a single compliance review instrument and a single compliance review process to be applied during any single funding period. Any AAA

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implementing additional requirements and/or services (refer to Section 220.630(a)) shall develop additional sections addressing those AAA specific additional requirements and/or services.

c) Both the Department's and the AAAs' compliance review instrument shall address requirements as contained in the funding instrument (contract or grant) with each CCU and this Part. In addition:

- 1) the Department's compliance review instrument shall address relevant requirements of this Part and 89 Ill. Adm. Code 240, and
- 2) the AAA's compliance review instrument shall address relevant requirements of this Part, Title III of the Older Americans Act, and 89 Ill. Adm. Code 230.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.665 Case Coordination Unit Compliance

a) Case Coordination Units (CCUs) must comply with the Request for Proposal, Federal, State and local laws, regulations and Department rules, policies and procedures.

b) The Department and the Area Agency on Aging (AAA) shall determine compliance by performing compliance reviews in accordance with Section 220.660 of the CCU's contract/grant file records.

1) Files are maintained by the Department and the AAA, respectively, regarding quality of service provision, technical assistance and training provided, correspondence, and day-to-day CCU activity.

2) The respective CCU Compliance Review (CCUCR) Reports are maintained and shared by the Department and the AAA and findings are acted upon as described in Section 220.670 and 89 Ill. Adm. Code 230.650 and 240.1720.

3) The Department and the AAA shall have the authority to conduct a review of a CCU agency at any time

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during the course of the CCU's contract or grant period, as appropriate, for the purpose of protecting the health, safety and welfare of the clients and ensuring CCU adherence to Department rules, policies and procedures.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

Section 220.670 Sanctions for Case Coordination Unit Failure to Comply with Case Management Contract/Grant

a) Department or Area Agency on Aging (AAA) sanctions which shall be imposed upon any Case Coordination Unit (CCU) which fails to comply with applicable Federal, State and local laws, regulations and Department rules, policies and procedures and/or other contract requirements (which include the statements contained in the CCU's Proposal) include:

- 1) being placed "On Notice" suspension of some or all payments,
- 2) mandatory training or technical assistance,
- 3) requiring a limited financial audit,
- 4) suspension (AAA action only),
- 5) termination of contract/grant.

b) CCUs shall be advised by the Department or Area Agency on Aging (AAA), as appropriate, (with a copy being provided to the other) of contract/grant action(s) being taken as a result of non-compliance findings.

c) Department or AAA termination of a CCU contract/grant shall be initiated by notice to the Department or the AAA, as appropriate, and to the affected CCU (by certified mail, return receipt requested), which shall include:

- 1) notice of the intent to terminate the specific CCU contract/grant;
- 2) notice of the Peer-Advisory Review procedure established in subsections (d) through (i) below; and

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3) ~~ten (10)-calendar-work day preliminary notice of the date, time and location of the Peer-Advisory Review Committee meeting.~~

d) ~~All recommendations of CCU contract/grant termination shall be reviewed by an Peer-Advisory Review Committee which shall be convened by the Department within ten (10)-work days following the date of the written notice of intent to terminate specified in subsection (c).~~

1) ~~The Peer-Advisory Review Committee will make recommendation as to the appropriateness of the intent to terminate prior to the Department and AAA initiating any final action.~~

2) ~~The Department and AAA shall not be bound by the recommendation of the Peer-Advisory Review Committee and may take action independent of that recommendation.~~

e) ~~The Peer-Advisory Review Committee shall be composed of the following, with each participant chosen from the respective constituent group:~~

1) ~~three (3)-representatives from individual Area Agencies on Aging.~~

2) ~~two (2)-representatives from Individual Case Coordination Units.~~

3) ~~one (1)-representative from a Community Care Program service vendor, (not in the geographic service area covered by the CCU under scrutiny), and~~

4) ~~one (1)-representative of a State agency.~~

f) ~~Each representative of the Peer-Advisory Review Committee shall be free of any conflict of interest, i.e. shall not be a representative of the AAA or CCU involved in the action being considered nor have any legal or organizational association with the AAA or CCU involved, nor have a contract/grant in the particular planning and service area.~~

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g) ~~A separate Peer-Advisory Review Committee shall be chosen to act with respect to each specific contract/grant termination action.~~

h) ~~The Department, the applicable AAA and the CCU whose contract/grant is under scrutiny shall have the opportunity to present all relevant information for consideration by the Peer-Advisory Review Committee.~~

i) ~~Recommendation of the Peer-Advisory Review Committee shall be provided in writing to the Department and AAA within fifteen (15)-calendar days following the date of the Peer-Advisory Review Committee meeting.~~

j) ~~If, following review by the Peer-Advisory Review Committee, the Department or the AAA determines that termination is warranted, the Department and the AAA shall jointly provide the CCU with written notice of the decision to terminate the CCU's contract by certified mail, return receipt requested. Included in the written notification of termination shall be:~~

1) ~~the effective date of termination;~~

2) ~~Advisement of the CCU's right to appeal the termination action.~~

k) ~~Appeals shall be addressed, delivered or mailed to:~~

~~Director
Attention: General Counsel
Illinois Department on Aging
421 East Capitol Avenue
Springfield, Illinois 62701.~~

ll) ~~An appeal must be received by the Department on or before the tenth (10th)-work day from the date of the termination notice to the CCU specified in subsection (j) above.~~

mm) ~~An appeal received after the tenth (10th)-work day from the date of the termination notice to the CCU, as evidenced by the postal return receipt, shall be denied.~~

nn) ~~The appeal shall specify the appellant's request that the Department review of the appeal be conducted either face-~~

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to-face with the appellant or through a paper work review of the relevant documentation.

1) If a face-to-face review is requested, a hearing shall be conducted in accordance with provisions of Section 220.500 et seq.

2) If a paper work review is requested, the General Counsel shall review the appeal data submitted by the CCU.

3) At the conclusion of the hearing or the paper work review, a written recommendation shall be submitted to the Director.

4) The Director shall review the recommended written report of the appeal and make a final administrative decision to either sustain the appeal of the CCU or uphold the action of the Department and AAA to terminate the contract/grant.

1) Terminations determined to be invalid shall be vacated and the CCU contract shall be reinstated.

2) Terminations determined to be valid shall be upheld.

3) The Director shall provide written notice to the CCU by certified mail, return receipt requested, of the final administrative decision resulting from the appeal, with a copy to the appropriate AAA.

(Source: Added at 15 Ill. Reg. 18603, effective December 13, 1991)

1) Heading of the Part: Older Americans Act Programs

2) Code Citation: 89 Ill. Adm. Code 230

3) Section Numbers: Adopted Action:

230.250 Amendments
230.610, 230.620, 230.630 New Sections
230.640, 230.650 New Sections

4) Statutory Authority: Ill. Rev. Stat. 1989, Ch. 23, Sections 6104.01(4), (9), (11), and (12); 6104.02, 6104.03, and 6105.02

5) Effective Date of Amendment(s): December 13, 1991

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 10, 1991

9) Notice of Proposal Published in Illinois Register:

December 14, 1990: 14 Ill. Reg. 19469
(issue date)

10) Has JCAR issued a Statement of Objections to this (these) amendment(s)? NO

11) Difference(s) between proposal and final version:

The following changes have been made in response to comments received during the first notice period:

SOURCE:

"effective April 30, 1986" has been added and inserted immediately following "7653,".

NOTE:

"Bold faced type" has been changed to "Capitalization".

Section 230.250:

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Subsection 230.250(a)(1):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(a)(2):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(a)(5)(A):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(a)(5)(B):

"area agency on aging" has been changed to "Area Agency on Aging"; and, "Subsections" has been changed to "subsections".

Subsection 230.250(a)(5)(C):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(a)(7)(C):

"--" has been changed to a colon.

Subsection 230.250(b)(1):

"area agency on aging" has been changed to "Area Agency on Aging" throughout this subsection; a comma has been added and inserted immediately following "Act"; and, "(42 U.S.C. 3001 et seq.)" has been added and inserted immediately following "Act,".

Subsection 230.250(b)(1)(B):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(b)(2):

"area agency on aging" has been changed to "Area

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Agency on Aging".

Subsection 230.250(b)(2)(A):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(b)(2)(A)(i):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(b)(2)(B):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(b)(2)(C):

"Subsection" has been changed to "subsection"; and, "area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(c):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(c)(3):

"area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(c)(3)(A):

A semi-colon has been added and inserted immediately following "need".

Subsection 230.250(c)(4)(E):

"its" has been changed to "the"; and, "area agency on aging" has been changed to "Area Agency on Aging".

Subsection 230.250(c)(6):

"area agency on aging" has been changed to "Area

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Agency on Aging"; and, "to" has been added and inserted immediately following "provide" and immediately before "individual" in the second sentence.

Subsection 230.250(e):

"area agency on aging" has been changed to "Area Agency on Aging" throughout this subsection.

Subsection 230.250(f)(1)(B):

"the scope" has been added and inserted immediately following "within" and immediately before "of"; "their" has been changed to "his or her"; "Nursing Act of 1987" has been added and inserted immediately following "Illinois" and immediately before "(Ill. Rev.)"; "1981" has been changed to "1989"; and, "3401" has been changed to "3501".

Subsection 230.250(f)(4):

"the" immediately following "providing" has been deleted.

Subsection 230.250(i):

"Other services" has been changed to "Case Management Services".

Subsection 230.250(i)(1):

has been incorporated into subsection 230.250(i); "by Case Coordination Units or other free standing health and/or social service agencies designated by the Area Agencies on Aging" has been deleted; the period immediately following "G" has been deleted; and, "once a procurement has been conducted pursuant to 89 Ill. Adm. Code 220.610 et seq." has been added and inserted immediately following "G".

Subsection 230.250(i)(1)(A)

Subsection 230.250(i)(1)(B)

Subsections 230.250(i)(1)(B)(i) thru (viii)

Subsections 230.250(2)(A) thru (D)

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have been deleted.

Subsection 230.250(j)

has been added and inserted after "subsection i" has follows:

"j) Other Services

Other service components of a comprehensive and coordinated service delivery system that may be funded by an Area Agency on Aging include:

- 1) Services which facilitate access, such as outreach, escort, individual needs assessment and service management;
- 2) Services provided in the community, where permitted by 45 CFR 1321.131, such as continuing education, health and health screening, program development and coordination activities, individual needs assessment and service management, casework, counseling and assistance (concerning taxes, financial problems, welfare, the use of facilities and services, pre-retirement or second career), day care, protective services, nutrition education, services designed for the unique needs of the disabled, emergency services including disaster relief services, residential repair and renovation, physical fitness and recreation services, services in helping to obtain adequate housing;
- 3) Services provided in the home, such as preinstitutional evaluations, casework, counseling, chore maintenance, visiting, shopping, readers, letter writing, telephone reassurance, and nutrition

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education;

- 4) Services provided to residents of care providing facilities, such as casework, counseling, placement and relocation assistance, group services, complaint and grievance resolution and visiting. Care providing facilities include long-term care facilities as defined in 45 CFR 1321.43(b), emergency shelters, and other congregate living arrangements.

Section 230.610:

Subsection 230.610(a):

The period immediately following "et" has been deleted; and, "upon completion of the procurement as specified in 220.615." has been added and inserted immediately following "seq.".

Subsection 230.610(e):

"AAA's shall arrange for funding for such higher standards." has been added and inserted as the third sentence in this subsection.

Subsection 230.610(e):

"Outreach," has been added and inserted immediately following "Referral," and inserted immediately before "Ombudsman,".

Section 230.620:

Subsection 230.620(a):

has been incorporated into Section 230.620.

Subsection 230.620(b):

has been deleted.

Section 230.630:

Subsection 230.630(b)(2):

"care" has been changed to "case".

Subsection 230.630(b)(5):

"presenting" has been changed to "presented".

Subsection 230.630(c):

"or place of residence" has been added and inserted immediately following "home" and immediately before "of"; "service needs" has been changed to "goal oriented needs for services and/or problems needing resolution".

Subsection 230.630(d):

"Care" has been changed to "Case" throughout the subsection; "provide" has been changed to "identify"; "and problem solving efforts" has been added and inserted immediately following "services" and inserted before "to" in the second sentence; and, "and to enable the client to live with maximum possible independence" has been added and inserted immediately following "needs" in the second sentence.

Subsection 230.630(e):

"Care" has been changed to "Case"; "and/or problem resolution" has been added and inserted immediately following "provision" and inserted before "shall" in the first sentence; the second sentence has been deleted and replaced with the following:

"If the referral is made to an informal network (family, friends, etc.), the service and/or problem-solving arrangement agreed to regarding duties and responsibilities shall be documented in the client's case plan. The following activities shall be performed for each client, as appropriate and needed:

- 1) Active intervention and advocacy on behalf of the client to access

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necessary services from community organizations and to resolve problems experienced by the client;

- 2) Establishment of linkages with service providers for the prompt and effective delivery of services needed by the client, including submission of instructions for service delivery to the appropriate service providers;

- 3) Encouragement of informal care given by individuals, family, friends, neighbors, and community organizations, so that publicly supported services supplement rather than supplant the roles and responsibilities of these natural support systems."

Subsection 230.630(f)(1):

The first sentence has been deleted and replaced by the following:

"Periodic monitoring shall be conducted through telephone or face-to-face contact to ensure prompt and effective service delivery and response to changes in the client's needs and status."

Subsection 230.630(g):

"Termination: The client shall be terminated from case management services in the following instances:" has been changed to "Case Closure: Case closure shall occur in the following instances."

Subsection 230.630(g)(4):

"otherwise" has been deleted; and, "sixty (60)" has been changed to "ninety".

Subsection 230.630(h):

"written" has been changed to "documented".
Section 230.640:

Subsection 230.640(a)(3):

"Plan of Care" has been changed to "Case Plan".

Subsection 230.640(a)(6):

The semi-colon has been deleted immediately following "follow-up" and "/or case closure" has been added and inserted immediately following "and".

Subsection 230.640(a)(7):

has been deleted.

Subsection 230.640(b):

"Section" has been changed to "subsection".

The following changes have been made in response to comments received from the Administrative Code Unit:

SOURCE:

the very last reference to the Illinois Register has been changed from "14 Ill. Reg." to "15 Ill. Reg.".

AUTHORITY NOTE:

updated all Ill. Rev. Stat. citations to 1989.

General:

"Subsections" throughout the rulemaking has been amended to lower case.

Subsection 230.250(b)(1):

citation has been added "(42 U.S.C. 3001 et seq.)".

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement was necessary to resolve Committee questions.
- 13) Will this amendment replace an emergency amendment currently in effect? NO
- 14) Are there any proposed amendments pending on this Part? No
- 15) Summary and Purpose of Amendment(s):
These amendments are being adopted to assure increased uniformity and consistency of case management statewide in order to improve access to and quality of home and community based services.
In addition, this rulemaking is to provide programmatic requirements relative to the case management services provided through Older Americans Act Programs (89 Ill. Adm. Code 230) and the Community Care Program (89 Ill. Adm. Code 240).

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Mary J. Mayes
Policy and Rules Analyst
Illinois Department on Aging
Address: 421 East Capitol Avenue
Springfield, IL 62701
Telephone: (217) 785-3357

The full text of the Adopted Amendment(s) begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 230

OLDER AMERICANS ACT PROGRAMS

SUBPART A: STATE AGENCY

Section
230.10 Designation and Function
230.20 Administration
230.30 State Plan
230.40 State Agency Requirements
230.41 Advocacy
230.42 Long-Term Care Ombudsman Program
230.43 Service Delivery Systems Responsibilities
230.44 State Advisory Council
230.45 Intrastate Funding Formula
230.46 Hearings
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SUBPART B: AREA AGENCIES ON AGING

Section
230.110 Designation and Function
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230.130 Area Plans
230.140 Withdrawal of Area Agency on Aging Designation
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SUBPART C: SERVICE REQUIREMENTS

Section
230.210 Direct Provision of Services by the Department and Area Agencies on Aging
230.220 Planning, Coordination and Provision of Services Funded Under Other Programs
230.230 Licensure and Safety Requirements
230.240 Provider Requirements
230.250 Services

SUBPART D: FISCAL REQUIREMENTS

Section
230.310 Types of Allotments
230.320 Limitations on Use

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230.330 Service Funding Requirements
 230.340 Obligation of Allotments
 230.350 Maintenance of Effort: Non-Federal Share
 230.360 General Financial and Compliance Requirements
 230.361 Purpose of Financial and Compliance Audits
 230.362 Audit Engagement Letter
 230.363 Distribution of the Cost of a Unified Audit
 230.364 Scope of the Financial and Compliance Audit
 230.365 Audit Reports
 230.370 Program and Financial Reviews

SUBPART E: HEARINGS

Section
 230.410 Hearing Before the Department
 230.420 Hearing Before the Area Agency on Aging
 230.430 Non-applicability of Hearing Requirements
 230.440 Arrangements for Hearings

SUBPART F: TITLE III-D

Section
 230.510 Target Population
 230.520 Eligibility Criteria
 230.530 Eligibility Determination
 230.540 Allowable Services
 230.550 Maintenance of Effort
 230.560 Coordination of Services
 230.570 Distribution of Funds
 230.580 Area Agency on Aging Administration

SUBPART G: CASE MANAGEMENT SERVICES

230.610 General Requirements for Providers of Case Management Services
 230.620 Case Management Service Availability
 230.630 Service Activities
 230.640 Records and Documentation
 230.650 Case Coordination Unit Compliance During Contract/Grant Period

AUTHORITY: Implementing the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, pars. 6101 et seq.) and the Older Americans Act, as amended (42 U.S.C. 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, par. 6104.01).

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SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985; amended at 10 Ill. Reg. 5787, effective March 27, 1986; recodified at 10 Ill. Reg. 7653; effective April 30, 1986; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 15869, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 12540, effective July 15, 1988, for a maximum of 150 days, emergency expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. 20299, effective December 15, 1989; amended at 14 Ill. Reg. 2308, effective January 25, 1990; amended at 15 Ill. Reg. 18642, effective December 13, 1991

NOTE: Bold faced type denotes statutory language.

SUBPART C: SERVICE REQUIREMENTS

Section 230.250 Services

The following requirements shall apply to services provided under this subpart.

a) Multipurpose Senior Centers

- 1) An area agency on aging may award social service funds under this Part to a public or private nonprofit agency for the following purposes:
 - A) Acquiring, altering, leasing, or renovating a facility, including a mobile facility, for use as a multipurpose senior center;
 - B) Constructing a facility, including a mobile facility, for use as a multipurpose senior center;
 - C) The costs of professional and technical personnel required to operate a center.
- 2) In making awards for the purposes specified in this Section, the area agency on aging shall give

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preference to facilities located in communities with the greatest incidence of older persons with the greatest economic or social need.

3) The following health, safety and construction requirements shall apply:

A) A recipient of any award for multipurpose senior center activities shall comply with all applicable State and local health, fire, safety, building, zoning and sanitation laws, ordinances or codes.

B) The plans and specifications for an award for acquiring, altering, renovating or constructing a multipurpose senior center facility must comply with regulations relating to minimum standards of construction, particularly with the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151-4157);

C) The Department shall assure the technical adequacy of any proposed alteration or renovation of a multipurpose senior center. The Department assures technical adequacy by requiring that any alteration or renovation of a multipurpose senior center that affects the load bearing members of the facility is structurally sound and complies with all applicable local or State ordinances, laws, or building codes.

4) A recipient of an award for altering, renovating or constructing facility to be used as a multipurpose senior center must comply with the requirements of the Davis-Bacon Act (40 U.S.C. 276 (a) et seq.) and other mandatory Federal labor standards.

5) The following special conditions for acquiring by purchase, or constructing a facility shall apply:

A) An area agency on aging shall obtain the approval of the Department before making an award for constructing a facility.

B) The Department may approve the construction of

a facility after considering the views of the area agency on aging, relative to subsections 230.250 (a)(2), (3) and (4), if it is found that there is no other suitable facility available to be a focal point for service delivery.

C) The area agency on aging may make an award for purchasing or constructing a facility only if there are no suitable facilities for leasing.

6) A facility altered, acquired, renovated, or constructed using funds under this Part, to be used as a multipurpose senior center may not be used and may not be intended to be used for sectarian instruction or as a place for religious worship.

7) The following funding and use requirements shall apply:

A) Sufficient funds must be available to meet the non-Federal share of the award;

B) Sufficient funds must be available to effectively use the facility as a multipurpose senior center;

C) In a facility that is shared with other age groups, funds received under this rule may support only—i

i) That part of the facility used by older persons; or

ii) A proportionate share of the costs based on the extent of use of the facility by older persons; and

D) A multipurpose senior center program must be operated in the facility.

b) Nutrition Services

1) The area agency on aging may award nutrition services funds received under Title III of the Older Americans Act (42 U.S.C. 3001 et seq.) to

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provide meals and other nutrition services, including outreach, and nutrition education, to older persons. In making these awards the area agency on aging shall assure that congregate meals are provided and home-delivered meals are provided based on an assessment of need by the area agency on aging and nutrition service providers.

Americans Act on September 30, 1978. For purposes of this requirement, "nutrition project" means the recipient of a subgrant or contract to provide nutrition services, other than the area agency on aging, which met the requirements for a project specified in the former Title VII of the Older Americans Act and implementing regulations.

A) The following eligibility requirements shall be applicable to persons receiving nutrition services:

ii) Meets the requirements of this Section; and

i) Congregate nutrition services: A person age 60 or older, and the spouse of the person regardless of age, are eligible to participate in congregate nutrition services.

iii) Has carried out its nutrition service activities with demonstrated effectiveness.

ii) Home-delivered nutrition services: A person age 60 or over who is homebound by reason of illness, incapacitating disability or is otherwise isolated is eligible to receive a home-delivered meal. The spouse of the older person, regardless of age or condition, may receive a home-delivered meal if, according to criteria determined by the area agency on aging, receipt of the meal is in the best interest of the homebound older person.

B) The area agency on aging must assess the level of need for congregate and home-delivered meals within the planning and service area.

2) The area agency on aging may make awards for congregate and home-delivered nutrition services to a provider that furnishes either or both type(s) of service(s).

A) The area agency on aging shall award funds to a nutrition services provider that:

i) Was a nutrition project receiving funds under the former Title VII of the Older

i) Have demonstrated an ability to provide home-delivered meals efficiently and

C) Consistent with the requirements of subsection (b)(2)(A) of this Section and, to the extent feasible, the area agency on aging must give preference in making awards for home-delivered meals to public, private nonprofit, and voluntary organizations which:

ii) Has determined that the project does not meet the requirements of this Section; or has not carried out nutrition services activities with demonstrated effectiveness. The Department shall not set criteria for demonstrated effectiveness that are different from the requirements imposed on projects during the period for which their performance is being measured.

i) Has given the project an opportunity for a hearing, in accordance with Section 230.40 of this Part; and

B) Except as provided in 45 CFR 74, Subpart M, the area agency on aging shall not discontinue funding to a nutrition project specified in subsection (b)(2)(A)(i) of this Section unless the Department:

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reasonably; and

- ii) Have furnished assurances to maintain efforts to solicit voluntary support and not to use funds receive under this Part to supplant funds from non-Federal sources.

3) Each congregate provider shall:

- A) Provide hot or other appropriate meals in a congregate setting at least once a day, five or more days a week;
- B) Locate congregate nutrition services as close as possible and, where feasible to the appropriate, within walking distance to the majority of eligible older persons; and
- C) Assess the need for home-delivered meals among participants at its congregate sites.

4) Each home-delivered meals provider shall:

- A) Assess the need for home-delivered meals among the participants for whom it has responsibility;
- B) Provide for home-delivered meals at least once a day, five or more days a week. Meals may be hot, cold, frozen, dried, canned or supplemental foods with a satisfactory storage life;
- C) With the consent of the older person, or his or her representative, bring to the attention of appropriate officials for follow-up, conditions or circumstances which place the older person or the household in imminent danger; and
- D) Where feasible and appropriate, make arrangements for the availability of meals to older persons in weather related emergencies.

5) The following food requirements shall apply for all nutrition service providers:

- A) In purchasing food, and preparing and delivering meals, the nutrition services providers must follow appropriate procedures to preserve nutritional value and food safety.
- B) The nutrition services providers must comply with all State and local health laws and ordinances concerning preparation, handling and serving food.
- C) The nutrition services provider must provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of eligible individuals.
- D) The nutrition services provider must have available for use upon request appropriate food containers and utensils for blind and handicapped participants.
- E) Each meal served by the nutrition services provider must contain at least one-third of the current Recommended Dietary Allowances as established by the Food and Nutrition Board of the National Academy of Sciences - National Research Council.
- F) A nutrition services provider shall spend U.S.D.A. food assistance cash only for buying United States Agriculture commodities and other food.
- G) The nutrition services providers shall assist participants in taking advantage of benefits available to them under the food stamp program. The nutrition services provider must coordinate its activities with agencies responsible for administering the food stamp program to facilitate participation of eligible older persons in the program.

c) Legal Services

- 1) The area agency on aging shall award social services funds under this Part for legal services

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to older persons with the greatest economic or social needs. The purpose of awards under this subsection is to increase the availability of legal services with a priority on older persons with the greatest economic or social need in order to assist them to secure their rights, benefits and entitlements, and to assist them in achieving the objectives of the Older Americans Act. Legal services provided with funds under this Part must be in addition to any legal services already being provided to older persons in the planning and service area. "Legal services" means legal advice and representation by an attorney (including, to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer where permitted by law, to older persons with economic or social needs.

2) A legal service provider shall be either:

- A) An organization that receives funds under the Legal Services Corporation Act (42 U.S.C. 2969); or
- B) An organization that has a legal services program or the capacity to develop one.

3) The Area Agency on Aging shall award funds to the legal service provider(s) that most fully meet(s) the following standards. The legal services provider(s):

- A) Has staff with expertise in specific areas of law affecting older persons in economic or social need;
- B) Demonstrates the capacity to provide effective administrative and judicial representation in the areas of law affecting older persons with social or economic need;
- C) Demonstrates the capacity to provide support to other advocacy efforts;
- D) Demonstrates the capacity to effectively

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deliver legal services to institutionalized, isolated, and homebound individuals;

- E) Has offices and/or outreach sites which are convenient and accessible to older persons in the community;

- F) Demonstrates the capacity to provide legal services in a cost effective manner; and

- G) Demonstrates the capacity to obtain other resources to provide legal services to older persons.

4) Each legal services provider shall:

- A) Make efforts to involve the private bar in legal services provided under this Part, including groups within the private bar that furnish legal services to older persons on a pro bono and reduced fee basis;

- B) Ensure that no attorney of the provider engages in any outside practice of law if the director of the provider has determined that the practice is inconsistent with the attorney's full time responsibilities;

- C) Ensure that while employed under this Part, no employee and no staff attorney of the provider at any time:

- i) Uses official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office, whether partisan or nonpartisan;

- ii) Directly or indirectly coerces, attempts to coerce, command or advise an employee of any provider to pay, lend, or contribute anything of value to a political party, or committee, organization, agency or person for political purposes;

- iii) Is a candidate for partisan elective

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- public office; or
- iv) Engages in any voter registration activity.
- D) In areas where a significant number of clients do not speak English as their principal language, adopt employment policies that ensure that legal assistance will be provided in the language spoken by those clients;
- E) Adopt a procedure for affording the public appropriate access to the Older Americans Act regulations and guidelines of 45 CFR Part 1321, the provider's written policies, procedures, and guidelines, the names and addresses of the members of ~~the~~ governing body, and other materials that the provider determines should be disclosed. The procedure adopted must be approved by the ~~Area~~ agency on aging;
- F) Ensure that legal services are not provided in fee generating cases, as defined in 45 CFR 1609.2, unless adequate representation is unavailable from private attorneys;
- G) Ensure that no employee and no staff attorney of the provider shall directly or indirectly engage in activities intended to influence the passage or defeat of any legislation by the Congress of United States or by any State or local legislative body or state proposals by initiative petition except where:
- i) Representation by a provider for a client is necessary with respect to such client's rights and responsibilities (except that no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible); or
 - ii) A governmental agency, legislative body, committee or member thereof requests the provider to testify, draft or review measures or to make representations to

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- such agency, body, committee or member, or is considering a measure directly affecting the activities of a provider under this Part; and
- H) Ensure that, while providing legal services, no employee and no staff attorney of the provider engages in demonstrations, picketing, boycotts, or rioting or civil disturbance or any illegal activities as defined at 45 CFR 1612.1, 1612.2 and 1612.3.
- 5) Each legal services provider that is not a Legal Services Corporation grantee shall agree to coordinate its services with Legal Services Corporation grantees in order to concentrate legal services funded under the Older Americans Act on older persons with the greatest economic or social need who are not eligible for services under the Legal Services Corporation Act. In carrying out this requirement, legal services providers shall not use a means test or require older persons to apply first for services through a Legal Services Corporation grantee.
- 6) A legal services provider under this Part may with the approval of the ~~Area~~ agency on aging set priorities for the categories of cases for which it will provide legal representation in order to concentrate on older persons with the greatest economic or social need. In setting case priorities, a legal services provider may consider the availability of staff resources in determining the extent of legal advice and representation to provide to individual older persons.
- 7) A legal services provider shall not require an older person to disclose information about income or resources as a condition for providing legal services under this Part. A legal services provider may ask about the person's financial circumstances as a part of the process of providing legal advice, counseling, and representation, or for the purpose of identifying additional resources and benefits for which an older person may be eligible.

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d) Information and Referral Services

- 1) The area plan shall provide for information and referral services sufficient to ensure that all older persons within the planning and service area have reasonably convenient access to the service.
- A) In areas in which a significant number of older persons do not speak English as their principal language, the service provider shall provide information and referral services in the language spoken by the older person.
- B) "Information and referral service" means a system to link people in need of service to appropriate resources.

2) A provider of information and referral services shall:

- A) Maintain current information with respect to the opportunities and services available to older persons;
 - B) Develop current lists of older persons in need of services and opportunities; and
 - C) Employ a specially trained staff to inform older persons of the opportunities and services which are available and to assist older persons to take advantage of the opportunities and services.
- 3) An information and referral services provider may disclose information by name about an older person only with the informed consent of the older person or his or her authorized representative.

e) Transportation Services

The area agency on aging may enter into transportation agreements with agencies which administer programs under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and Title XIX of the Social Security Act to meet the common need for transportation of service participants under the separate programs. Transportation programs are the only activities funded under Title III of the Older

Americans Act where the area agency on aging may delegate to another agency the authority to award or administer those funds.

f) Home Health Services

- 1) Home health care services authorized under an approved area plan shall be provided by:
 - A) A Medicare-certified Home Health agency.
 - B) A self-employed registered nurse who provides services within the scope of ~~their~~ his or her practice as defined by the Illinois Nursing Act of 1987 (Ill. Rev. Stat., 19849 ch. 111, par. 3401-3501 et seq.).
 - C) A physical therapist certified by the Council of Medical Education of the American Medical Association and registered by the State of Illinois.
 - D) A speech therapist certified by the American Speech and Hearing Association.
 - E) An occupational therapist registered with the American Occupational Therapy Association.
- 2) Home health services that may be provided are:
 - A) Skilled nursing
 - B) Home health aids
 - C) Speech therapy
 - D) Physical therapy
 - E) Occupational therapy
- 3) Home health agencies may provide covered services for which they are certified to provide by Medicare.
- 4) Area agencies providing the services shall develop procedures that will insure that double payments will not be made from the same service, that Title

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III funds will be used only to increase services, and that rates paid for such services do not exceed the established Medicare rate for the vendor providing the service, nor shall payment be made to supplement payments made through Medicare or Medicaid when such supplement is in excess of the established Medicare rate.

- 5) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for such services as determined for each case at the time prior approval is given.
- 6) Payment to independent therapists and community health agencies shall be at the provider's usual and customary charge, not to exceed the maximum established by the Department at \$10 per half-hour clinical visit.

g) Homenaker Services

Homenaker services authorized under an approved area plan shall meet the definitional requirements specified in 89 Ill. Adm. Code 240.410.

h) Chore and Housekeeping Services

Chore and housekeeping services authorized under an approved area plan shall meet the definitional requirements specified in 89 Ill. Adm. Code 240.420.

i) Other Services Case Management Services

1) The Department on Aging allows funds to be expended for service entitled "Case Management". Activities directly associated with this service shall be carried out by Case Coordination Units or other free-standing health and/or social service agencies designated by the Area Agencies on Aging in accordance with applicable provisions of 89 Ill. Adm. Code 220.600 et seq. and 89 Ill. Adm. Code 230 Subpart G once a procurement has been conducted pursuant to 89 Ill. Adm. Code 220.610 et seq.

A) Case Management is defined as:

The provision of a standardized needs

assessment developed by the Area Agency on Aging, service coordination to assist an older person to gain access to and receive needed services and to mobilize and coordinate formal and informal sources of support on behalf of the older person.

B) Service activities include:

- i) ~~assessment of applicant's/client's eligibility for individual service programs~~
- ii) ~~initial in-home assessment of need~~
- iii) ~~develop and negotiate an appropriate array of services based on the applicant's/client's needs (this includes active intervention and advocacy on behalf of the client to access necessary services from community organizations)~~
- iv) ~~prepare a written goal oriented plan of care for the client utilizing all available formal (publically supported services) and informal resources (as part of this plan of care, instructions for service delivery are submitted to the appropriate service providers)~~
- v) ~~establish linkages with service providers for the delivery of services and conduct follow-up to ensure prompt service implementation and respond to changes in client's need and status~~
- vi) ~~encouragement of informal care given by individuals, family, friends, neighbors, and community organization so that publicly supported services supplement rather than supplant the roles and responsibilities of these natural support systems~~
- vii) ~~conduct periodic monitoring of service delivery as outlined in the plan of care~~

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~~viii) reassess the client's eligibility and need at least annually and when a client's need and/or status changes.~~

~~2) Other service components of a comprehensive and coordinated service delivery system that may be funded by an area agency on aging include:~~

~~A) Services which facilitate access, such as outreach, escort, individual needs assessment and service management;~~

~~B) Services provided in the community such as continuing education, health and health screening, program development and coordination activities, individual needs assessment and service management, casework, counseling and assistance (concerning taxes, financial problems, welfare, the use of facilities and services, pre-retirement or second career), day care, protective services, nutrition education, services designed for the unique needs of the disabled, emergency services including disaster relief services, residential repair and renovation, physical fitness and recreation services, services in helping to obtain adequate housing, alteration, renovation, acquisition, where permitted according to the provisions of 45 CFR 1321.131;~~

~~C) Services provided in the home, such as preinstitutional evaluation, casework, counseling, chore maintenance, visiting, shopping, readers, letter writing, telephone reassurance, and nutrition education;~~

~~D) Services provided to residents of care providing facilities, such as casework, counseling, placement and relocation assistance, group services, complaint and grievance resolution and visiting. Care providing facilities include long-term care facilities as defined in 45 CFR 1321.43(b), emergency shelters, and other congregate living arrangements.~~

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i) Other Services

Other service components of a comprehensive and coordinated service delivery system that may be funded by an Area Agency on Aging include:

1) Services which facilitate access, such as outreach, escort, individual needs assessment and service management;

2) Services provided in the community, where permitted by 45 CFR 1321.131, such as continuing education, health and health screening, program development and coordination activities, individual needs assessment and service management, casework, counseling and assistance (concerning taxes, financial problems, welfare, the use of facilities and services, pre-retirement or second career), day care, protective services, nutrition education, services designed for the unique needs of the disabled, emergency services including disaster relief services, residential repair and renovation, physical fitness and recreation services, services in helping to obtain adequate housing;

3) Services provided in the home, such as preinstitutional evaluations, casework, counseling, chore maintenance, visiting, shopping, readers, letter writing, telephone reassurance, and nutrition education;

4) Services provided to residents of care providing facilities, such as casework, counseling, placement and relocation assistance, group services, complaint and grievance resolution and visiting. Care providing facilities include long-term care facilities as defined in 45 CFR 1321.43 (b), emergency shelters, and other congregate living arrangements.

(Source: Amended at 15 Ill. Reg. 18642, effective December 13, 1991)

SUBPART G: CASE MANAGEMENT SERVICES

Section 230.610 General Requirements for Providers of Case Management Services

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- a) An agency providing Title III case management services shall meet all Case Coordination Unit (CCU) Standards pursuant to 89 Ill. Adm. Code 220.600 et. seq. upon completion of the procurement as specified in 220.615.
- b) A CCU, designated as outlined in 89 Ill. Adm. Code 220.645, shall be funded by the Area Agency on Aging (AAA) for a specific geographic area through a contract or a grant with the AAA for Title III case management services.
- c) A designated CCU shall provide audits in accordance with Area Agency on Aging policies and procedures.
- d) A CCU shall permit access to case files by the Area Agency on Aging or its designee, the Department or its designee, and appropriate Federal agencies. The Department shall notify the AAA when access to Title III case management case files by the Department and/or appropriate Federal agencies is required.
- e) An individual AAA may establish higher standards than those specified in 89 Ill. Adm. Code 220.600(d) through (o) relative to any contract/grant for case management services provided in its respective planning and service area. Such higher standards shall be specified in the particular AAA's Request for Proposal and shall bear no additional cost to the Department. AAA's shall arrange for funding for such higher standards.
- f) Additional services, if required by a particular AAA to be provided through a case management contract/grant, shall be directly related to case management services as defined in 89 Ill. Adm. Code 220.600(b) (e.g. Information and Referral, Outreach, Ombudsman, Elder Abuse) and shall be specified in the particular AAA's Request for Proposal.

(Source: Added at 15 Ill. Reg. 18642, effective December 13, 1991)

Section 230.620 Case Management Service Availability

- a) Case management services shall be provided to older persons to the extent possible with available resources committed by each Area Agency on Aging within each respective planning and service area.

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- b) The Case Coordination Unit shall maintain a current comprehensive resource directory containing information on availability of, and methods to access, Title III and Community Care Program (CCP) services, Home Energy Assistance, guardianship, and other services available within the CCU's geographic jurisdiction. The resource directory shall be updated at least annually.

(Source: Added at 15 Ill. Reg. 18642, effective December 13, 1991)

Section 230.630 Service Activities

Case Management service activities minimally include the following components:

- a) Case Finding Activities: The identification of individuals for intake.
- b) Intake: Through the administration of a defined intake process developed or approved by the Area Agency on Aging, an individual with potential case management needs, as defined below, shall be identified.
- 1) An individual must be age 60 or older; and
 - 2) An individual must demonstrate a need which requires development of a coordinated case plan, follow-up, and/or advocacy; and/or
 - 3) An individual has multiple or complex problems which are often chronic in nature and which may affect the ability of that individual to live independently; and/or
 - 4) An individual has potential need for multiple services; and/or
 - 5) An individual has presenting problems which are vague or ill-defined; and/or
 - 6) An individual has insufficient informal supports to care for his/her needs.
- c) Needs Assessment: A face-to-face comprehensive assessment, preferably conducted in the home or place of residence of the client, must be conducted for each case management client utilizing a standardized tool.

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developed or approved by the Area Agency on Aging, to evaluate the conditions of the client and to identify service-need goal oriented needs for services and/or problems needing resolution.

- d) Care-Case Plan Development: A written plan of care shall be prepared for each client utilizing appropriate and available formal and informal resources, using a standardized form developed or approved by the Area Agency on Aging. The care-case plan shall provide identify available services and problem solving efforts to meet the client's determined needs and to enable the client to live with maximum possible independence. A copy of the care-case plan shall be given to the client and/or client's family and/or significant individual, and so documented in the client's file.

- e) Care-Case Plan Implementation: A referral of the applicant/client to an appropriate resource for service provision and/or problem resolution shall be made and documented in the applicant's/client's file. If a referral is made to an informal network (family, friends, etc.), the service arrangement agreed to regarding duties and responsibilities shall be documented in the client's plan of care. If the referral is made to an informal network (family, friends, etc.), the service and/or problem-solving arrangement agreed to regarding duties and responsibilities shall be documented in the client's case plan. The following activities shall be performed for each client, as appropriate and needed:

- 1) Active intervention and advocacy on behalf of the client to access necessary services from community organizations and to resolve problems experienced by the client;
- 2) Establishment of linkages with service providers for the prompt and effective delivery of services needed by the client, including submission of instructions for service delivery to the appropriate service providers;
- 3) Encouragement of informal care given by individuals, family, friends, neighbors, and community organizations, so that publicly supported services supplement rather than supplant the roles and responsibilities of these natural support

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Systems.f) Review and Evaluation of Client Status:

- 1) Follow-up: Follow-up contacts shall be by telephone or face to face contact to ensure that service has been implemented for the client. Periodic monitoring shall be conducted through telephone or face-to-face contact to ensure prompt and effective service delivery and response to changes in the client's needs and status. All follow-up shall be documented in the client's file.
- 2) Reassessment: A face-to-face reassessment of the client's condition and needs must be conducted, preferably in the home of the client, no later than the 12th month from the last completed (re)assessment, or more frequently as dictated by change in the client's circumstance.

g) Termination: The client shall be terminated from case management services in the following instances-Case Closure: Case closure shall occur in the following instances.

- 1) Death of the client;
- 2) Relocation out of the CCU's geographic service area;
- 3) Client cannot be located;
- 4) Client is hospitalized, enters a group care facility, is institutionalized or is otherwise not available for services for more than sixty (60) ninety consecutive calendar days;
- 5) Client is no longer in need of case management services because of changes in the client's condition or circumstances;
- 6) Client refuses services;
- 7) Client requests termination.
- 8) Client refuses to cooperate in the provision of case management services.

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- h) Transfer: When a client moves from the CCU's geographic service area, the CCU shall, with the client's and/or client's family and/or significant individual's written documented consent, refer the client to the CCU serving the area to which the client has moved.

(Source: Added at 15 Ill. Reg. 18642, effective December 13, 1991)

Section 230.640 Records and Documentation

- a) A Case Coordination Unit (CCU) shall maintain individual client records in a central file. The case file for each client shall minimally include the following information:

- 1) Intake Form(s);
- 2) Comprehensive Needs Assessment;
- 3) Plan of Care/Case Plan;
- 4) Record of referral(s) and request(s);
- 5) Correspondence related to the case;
- 6) Formal case notes, which include documentation of the follow-up and/or case closure.

7. Documentation of termination.

- b) Case files shall be maintained in a manner that shall strictly maintain confidentiality of all information (refer to 89 Ill. Adm. Code 220.100 and Subsection 230.610(d)).

- c) Upon change in CCU designation (specified in 89 Ill. Adm. Code 220), the CCU which has been de-designated shall transfer all specified records as prescribed by the Area Agency on Aging to the newly designated CCU.

(Source: Added at 15 Ill. Reg. 18642, effective December 13, 1991)

Section 230.650 Case Coordination Unit Compliance During Contract/Grant Period

- a) Each Case Coordination Unit (CCU) receiving a contract/grant from an Area Agency on Aging (AAA) must comply with Federal, State and local laws, regulations and Department

rules, policies and procedures.

- b) The AAA shall have the authority to conduct an Administrative Compliance Review of a CCU agency at any time during the course of the CCU's contract/grant period for the purpose of protecting the health, safety and welfare of case management clients.

- c) The AAA shall conduct an Administrative Compliance Review in accordance with procedures established by the particular AAA pursuant to Section 220.660 to ensure statewide continuity. Administrative Compliance Reviews shall be conducted no less frequently than one review during each funded period.

- d) Records of an administrative compliance review conducted by the AAA shall be maintained by the AAA and corrective action(s), if indicated, shall be taken in accordance with established AAA policy and as described in Section 220.670.

(Source: Added at 15 Ill. Reg. 18642, effective December 13, 1991)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: General Rules
- 2) Code Citation: 35 Ill. Adm. Code 101
- 3) Section Number: Adopted Action:
101.103 amended
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, par. 1026.
- 5) Effective Date of Rule(s) (Amendments, Repealer): December 12, 1991
- 6) Does this rulemaking contain an automatic repeal date?: No.
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No.
- 8) Date filed in agency's principal office: November 7, 1991
- 9) Notice(s) of proposal published in Illinois Register: 15 Ill. Reg. 9822, July 5, 1991.
- 10) Has JCAR issued a Statement of Objection to this (these) rule(s)? If answer is "yes," please complete the following:
JCAR did not issue a statement of objection.

11) Difference(s) between proposal and final version: The Board added language to clarify that the recycled paper requirement does not apply to exhibits. Additionally, the final version of the rule includes an exemption from the recycled paper requirement for stationery, such as letterhead, as long as that stationery is submitted merely as a cover letter for other similar purposes. The Board also added a phrase encouraging the use of double-sided copying of documents filed with the Board. Finally, the date for compliance with the recycled paper requirement has been extended from December 1, 1991 to January 1, 1992.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?

No agreements were made.

13) Will this rule (amendments, repealer) replace an emergency

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rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Rule(s): The rule requires all documents filed with the Board by attorneys or by organized trade and environmental groups to be submitted on recycled paper. The Board finds that requiring the use of recycled paper will make a contribution towards promoting recycling and stimulating markets for recycled products. Compliance with the rule will be required beginning on January 1, 1992, to allow those practicing before the Board to exhaust their current supplies of paper.

16) Information and questions regarding this adopted rule shall be directed to:

Elizabeth Schroer Harvey
Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

312/814-6921

The full text of the adopted rule(s) begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE A: GENERAL PROVISIONS

CHAPTER I: POLLUTION CONTROL BOARD

PART 101
GENERAL RULES

SUBPART A: GENERAL PROVISIONS

Section
101.100 Applicability
101.101 Definitions
101.102 Filing Of Documents
101.103 Form Of Documents
101.104 Length Of Briefs
101.105 Waivers
101.106 Incorporation Of Prior Proceedings
101.107 Appearances And Withdrawals
101.108 Substitution Of Attorneys
101.109 Computation Of Time

SUBPART B: FILING AND PHOTOCOPYING FEES

Section
101.120 Filing Fees
101.121 Photocopying Fees
101.122 Forms Of Payment

SUBPART C: SERVICE

Section
101.140 Applicability
101.141 Service Of Initial Filings
101.142 Service Of Subsequent Filings
101.143 Proof Of Service
101.144 Effective Date Of Service

SUBPART D: PUBLIC INFORMATION

Section
101.160 Public Information
101.161 Non-Disclosable Information
101.162 Publications

SUBPART E: BOARD MEETINGS

Section
101.180 Board Meetings
101.181 Agenda For Board Meetings

SUBPART F: EX PARTE CONTACTS

Section
101.200 Ex Parte Contacts

SUBPART G: HEARINGS

Section
101.220 Authority Of Hearing Officer
101.221 Hearing Decorum

SUBPART H: MOTION PRACTICE

Section
101.240 Applicability
101.241 Filing Of Motions And Responses
101.242 Contents Of Motions And Responses
101.243 Motions Attacking Jurisdiction Or Sufficiency Of The Pleadings
101.244 Motions For Summary Judgment
101.245 Motions Preliminary To Hearing
101.246 Motions For Reconsideration
101.247 Disposition Of Motion

SUBPART I: DISCOVERY

Section
101.260 Subpoenas
101.261 Production Of Information

SUBPART J: SANCTIONS

Section
101.280 Sanctions For Refusal To Comply With Procedural Rules,
Board Orders, Or Hearing Officer Orders
101.281 Sanctions For Abuse Of Discovery Procedures

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SUBPART K: RELIEF FROM AND REVIEW OF FINAL ORDERS

Section	
101.300	Motions For Reconsideration
101.301	Relief From Final Orders
101.302	Judicial Review Of Final Board Orders
101.303	Stay Procedures
101.304	Interlocutory Appeals

Appendix A Captions

Illustration A	General Rulemaking
Illustration B	Site-specific Rulemaking
Illustration C	Adjusted Standard Petition
Illustration D	Permit Appeal Or Variance
Illustration E	Enforcement Case
Illustration F	Administrative Citation

Appendix B Appearance Form

Appendix C Withdrawal Of Appearance Form

Appendix D Notice Of Filing

Appendix E Certificates of Service

Illustration A Service By Non-Attorney

Illustration B Service By Attorney

AUTHORITY: Implementing Sections 5, 7.1, 7.2, 27, 28, 29, 31, 32, 33, 35, 36, 37, 38, 40, and 41 of the Environmental Protection Act (Ill.Rev.Stat.1989, ch. 111 1/2, pars. 1005, 1007.1, 1007.2, 1027, 1028, 1029, 1031, 1032, 1033, 1035, 1036, 1037, 1038, 1040, and 1041); as amended by Public Acts 85-1048 effective January 1, 1989 and 85-1331, effective January 1, 1989; and Section 4 of "AN ACT in relation to natural resources, research, data collection and environmental studies," (Ill.Rev.Stat.1989, ch. 96 1/2, par. 1004); and authorized by Section 26 of the Environmental Protection Act (Ill.Rev.Stat.1989, ch. 111 1/2, par. 1026).

SOURCE: Filed with the Secretary of State January 1, 1978; codified 6 Ill.Reg. 8357; Part repealed, new Part adopted in R88-5(A) at 13 Ill.Reg. 12055, effective July 10, 1989; amended in R90-24 at 15 Ill.Reg. 18677, effective December 12, 1991.

NOTE: Capitalization denotes statutory language.

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SUBPART A: GENERAL PROVISIONS

Section 101.103 Form of Documents

a) Documents shall clearly show the title of the proceeding in which they are filed. Appendix A of this Part sets forth examples of proper captions. Documents shall bear a heading which clearly describes the nature of the relief sought, such as, but not limited to "Petition for Amendment to Regulation", "Complaint", "Petition for Variance", "Petition for Review", "Motion", or "Public Comment".

b) Except as otherwise provided, the original and nine (9) copies of all documents shall be filed with the Clerk. Only the original and four (4) copies of any discovery motion, deposition, interrogatory, answer to interrogatory, or subpoena need be filed with the Clerk.

c) After the filing of the initial document in a proceeding, all filings, including exhibits, shall include the Board docket number for the proceeding in which the item is to be filed. If the filing is a document, the docket number shall appear on the first page of the filing. For filings which are not documents, the docket number shall appear on a readily visible portion of the filing.

d) Documents, excluding exhibits, shall be typewritten or reproduced from typewritten copy and double-spaced on ~~uncoated~~ uncoated white paper of greater than 12 pound weight and measuring 8" x 10 1/2" or 8 1/2" x 11". Reproductions may be made by any process that produces legible black-on-white copies. All documents shall be fastened on the left side or in the upper left corner. The left margin of each page shall be at least 1 1/2 inches and the right margin at least one inch. As of January 1, 1992, all documents, excluding exhibits, filed with the Board by attorneys or by organized environmental and trade groups shall be submitted on recycled paper. For purposes of this Section, "recycled paper" means paper which contains at least 40% postconsumer material. The definition of "postconsumer material" is set forth in Section 3(f) of the Illinois Solid Waste Management Act (Ill.Rev.Stat. 1989, ch. 111 1/2, par. 7053(f)). Either the certificate or proof of service or the notice of filing accompanying all documents filed by attorneys or by organized environmental or trade groups shall state "THIS FILING IS

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SUBMITTED ON RECYCLED PAPER". This statement shall be made at the bottom of the first page of the certificate or proof of service, or the notice of filing. This recycled paper requirement does not apply to stationery, such as letterhead. When used for cover letters or similar purposes. Additionally, the Board encourages all participants to double-side copies of documents filed with the Board.

e) The requirements of subsections (b), (c), and (d) may be waived by the Board upon written request. A request for a filing waiver shall be presented to the Board in the form of a motion accompanied by affidavits necessary to verify any factual assertions contained in the motion. If the Board finds that compliance with the filing requirements would impose an undue burden, the Board will grant the motion.

f) Exhibits, where possible, shall be reduced to conform to the size requirements of subsection (d). However, one non-conforming copy may be filed with the Clerk's office.

g) The original of each document filed shall be signed by the party or by its authorized representative or attorney. All documents shall bear the business address and telephone number of the attorney filing the document, or of the party who appears on his or her own behalf. The Clerk will refuse to accept for filing any document which does not comply with this subsection.

h) Except as otherwise provided by Sections 1 through 4 of "AN ACT in relation to the reproduction of public records on film and the destruction of records so reproduced" (Ill.Rev.Stat. 1987, ch. 116, pars. 35-38), or by leave of the Board, documents on microfiche are not acceptable for filing.

(Source: Amended at 15 Ill.Reg. 18677, effective December 12, 1991)

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: HOSPITAL SERVICES

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: Adopted Action:

148.340 Amendment
148.360 Amendment
148.370 Amendment
148.380 Amendment
148.390 Amendment

4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Par(s). 5-5.1 et seq. and 12-13)

5) Effective Date of Adopted Amendments: December 23, 1991

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Does these Adopted Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 23, 1991

9) Notices of Proposal Published in Illinois Register: July 26, 1991 (15 Ill. Reg. 10909)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

11) Differences between proposal and final version: In Section 148.360 (b)(2), change "20" hours to "15" hours. In (c), delete "in a licensed short term residential setting, for the treatment of intoxication or withdrawal from ingestion of alcohol, or".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

148.20	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.40	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.60	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.70	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.80	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.90	Repealed	November 8, 1991 (15 Ill. Reg. 15928)
148.100	Repealed	November 8, 1991 (15 Ill. Reg. 15928)
148.110	Repealed	November 8, 1991 (15 Ill. Reg. 15928)
148.120	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.130	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.140	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.150	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.160	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.170	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.180	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.190	Amendment	November 8, 1991 (15 Ill. Reg. 15928)

15) Summary and Purpose of Adopted Amendments: This rulemaking effects changes in the Department's coverage of alcohol and substance abuse treatment services.

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

148.200	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.210	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.220	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.230	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.240	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.250	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.260	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.270	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.280	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.290	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.300	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.310	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
148.320	Amendment	November 8, 1991 (15 Ill. Reg. 15928)
140.400	New Section	November 8, 1991 (15 Ill. Reg. 15928)

15) Summary and Purpose of Adopted Amendments: This rulemaking effects changes in the Department's coverage of alcohol and substance abuse treatment services.

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- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Hospital Services Not Covered
148.70	Limitation On Hospital Services
148.80	Organ Transplants Services Covered Under Medicaid
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Uncompensated Care Payment Adjustment for
	Nondisproportionate Share Hospitals
148.160	Payment Methodology for County-Owned Hospitals in a
	County with a Population of Over 3 Million
148.170	Payment Methodology for State-Owned Hospitals in a
	County with a Population of Over 3 Million
148.180	Payment for Pre-operative Days and Services Which
	Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Prepayment and Utilization Review
148.250	Determination of Alternate Payment Rates to Certain
148.260	Calculation and Definitions of Inpatient Per Diem
148.270	Determination of Alternate Costs Per Diem Rates For
	All Hospitals and Payment Rates for Certain Exempt
	Hospital Units
148.280	Reimbursement Methodologies for Children's Hospitals
	and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments
148.300	Payment
148.310	Review Procedure
148.320	Alternatives
148.330	Exemptions

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 148.340	Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services
148.350	Definitions
148.360	Types of Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services
148.370	Payment for Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services
148.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
148.380	Rate Appeals for Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services
148.390	Hearings
148.400	Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 148.340	Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services
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- a) Payment may be made for subacute alcoholism and other drug abuse treatment services provided by:

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Section 148.340	Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services (Cont'd)
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- 1) A provider licensed by the Illinois Department of Alcoholism and Substance Abuse under the provisions of 77 Ill. Adm. Code 2058.
- 2) A provider licensed by the Illinois Department of Public Health under the provisions of 77 Ill. Adm. Code 250.2830(b) and (c).

- 2)3) Psychiatrists for ancillary diagnostic services.

- b) Providers must be certified for participation by the Department of Alcoholism and Substance Abuse in accordance with 77 Ill. Adm. Code 2090.

- c) Certified providers shall comply with all provisions of 77 Ill. Adm. Code 2090.

- d) Providers shall enroll for participation in the Medical Assistance Program as provided in 89 Ill. Adm. Code 140.11.

(Source: Amended at 15 Ill. Reg. 18684, effective December 23, 1991)

Section 148.360	Types of Subacute Alcoholism and Substance Abuse <u>Treatment</u> Services
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The specific types of subacute services for which payment can be made are:

- a) Outpatient treatment - the provision of face to face diagnostic and individual, group, or family treatment on a scheduled or non-scheduled basis to an individual who in the clinical judgment of a qualified treatment professional is experiencing a problem with alcohol and/or drugs (for example, family, social, financial, employment, educational, and/or legal). These services shall be delivered in accordance with an individual treatment plan recommended by a physician. Services shall include, but not be limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, case coordination, aftercare, and follow-up. Outpatient services may be provided in a recipient's place of residence or other off-site location when required

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Section 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Cont'd)

because of illness, disability, or infirmity and documented in the recipient's treatment plan.

b) Intensive Outpatient Treatment Services

- 1) The provision of diagnostic and individual or group treatment on a scheduled-only basis to an individual who in the clinical judgment of a qualified treatment professional is experiencing a problem with alcohol and/or drugs (for example, family, social, financial, employment, educational, and/or legal). These services shall be delivered in accordance with an individual's treatment plan recommended by a physician.
- 2) Intensive outpatient treatment is a structured program offered a minimum of four days or evenings per week, includes a minimum of 15 hours of treatment services per recipient per week, and must occur in a licensed subacute setting (see 77 Ill. Adm. Code 2058). Treatment services shall include, but are not limited to assessment, evaluation, diagnosis, and subsequent individual, group or family counseling, education, case coordination, aftercare, and follow-up. This programmatic scope is required unless a specific waiver has been granted by the licensing authority.

- c) Detoxification - the provision of immediate physiological stabilization, diagnosis, and short term treatment (for example, up to five days) on a non-scheduled basis to an individual who is, in the clinical judgment of the qualified treatment professional in accordance with 77 Ill. Adm. Code 2058, intoxicated or experiencing withdrawal from the ingestion of alcohol and other drugs, but whose physical and emotional condition does not require the intensity of an acute care setting. Services are provided in accordance with an individual treatment plan recommended by a physician when rendered in a licensed subacute hospital setting (see 89 Ill. Adm. Code 250), or under the direction of a physician to individuals under age 21 by a psychiatric facility or an inpatient program in a psychiatric facility, either

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Section 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Cont'd)

of which is accredited by the Joint Commission on Accreditation of Health Care Organizations, and is also a-licensed as a subacute residential setting (see 77 Ill. Adm. Code 2058). Services must and shall include, but are not limited to assessment, evaluation, diagnosis, determination of need for more specialized medical care, rest under close observation, individual counseling, case coordination and subsequent referral, room and board, meals, and staff supervision.

- d) Ancillary diagnostic services - Psychiatric evaluations performed by a psychiatrist to determine whether an individual's primary condition is attributable to the effects of an ingested substance or to a diagnosed psychiatric or psychological disorder. Ancillary services may be provided in a licensed treatment facility (see 77 Ill. Adm. Code 2058) or in the psychiatrist's office.

- e) Residential Rehabilitation - The provision of diagnostic services and individual or group treatment on a scheduled-only residential basis in accordance with an individual treatment plan recommended by a physician in a licensed subacute hospital setting (see 89 Ill. Adm. Code 250), or under the direction of a physician to individuals under age 21 by a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations, and is also licensed as a subacute residential setting (see 77 Ill. Adm. Code 2058). This service is designed to reduce or eliminate, through a controlled milieu, an individual's intake of alcohol and/or other substances. Residential rehabilitation must be delivered in accordance with an individual treatment plan recommended by a physician. Services must include, but are not limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, education, case coordination, aftercare and followup. Residential rehabilitation is a structured residential program offered seven days per week and includes a minimum of 25 hours of treatment activities per client

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Section 148.360

Types of Subacute Alcoholism and Substance Abuse Treatment Services (Cont'd)

Section 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services (Cont'd)

per week. Individuals experiencing active psychotic manifestations, or other severe mental or physical illness which requires immediate acute medical or psychiatric care, should not be admitted to residential rehabilitation. In addition, the individual shall not be intoxicated, incapacitated due to the effects of alcohol or other drugs, or in withdrawal.

(Source: Amended at 15 Ill. Reg. 18684, effective December 23, 1991)

Section 148.370

Payment for Subacute Alcoholism and Substance Abuse Treatment Services

a) The amount approved for payment for alcoholism and substance abuse treatment is based on the type and amount of services required by and actually delivered to a recipient. The amount is determined in accordance with prospective rates developed by the Department of Alcoholism and Substance Abuse and approved and adopted by the Department of Public Aid (see 77 Ill. Adm. Code 2090.70). The adopted rate shall not exceed the charges to non-recipients.

b) Rates are generated through the application of formal methodologies specific to each category, are cost-based, and individually established for each service category at each provider.

1) Outpatient services shall be reimbursed at an all-inclusive per client hour rate payable to the nearest quarter hour. Such services are defined as face-to-face counseling with a diagnosed client. No more than three client hours shall be reimbursed for any recipient during a 24 hour period. No more than two of those hours may be reimbursed for group treatment.

2) Intensive outpatient services shall be reimbursed at an all-inclusive per diem rate; a client day is defined as a minimum of four hours per 24 hour period. No more than one client day shall be reimbursed for any recipient during any 24 hour period.

3) Residential rehabilitation services shall be reimbursed at an all-inclusive per diem rate. No more than one client day shall be reimbursed for any recipient during any 24 hour period.

4) Detoxification services shall be reimbursed at an all-inclusive per diem rate. However, admissions less than twelve hours in length shall have a per episode rate.

5) Ancillary diagnostic services shall be reimbursed on a per encounter basis to practitioners at the practitioner's usual and customary charge, not to exceed the maximum established by the Department in accordance with 89 Ill. Adm. Code 140.400.

6) Payment The Department shall not be made to reimburse a provider for more than one covered subacute alcoholism or substance abuse treatment service per day except for ancillary services which may be reimbursed in addition to one of the other covered services.

(Source: Amended at 15 Ill. Reg. 18684, effective December 23, 1991)

Section 148.380

Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services

a) Providers may appeal their rates, but must do so within 30 days of the postmark date of the rate notice.

b) Rate may be appealed pursuant to 77 Ill. Adm. Code 2090.

c) Appeals shall be submitted in writing to the Illinois Department of Public Aid, Division of Medical Programs.

d) The Department of Public Aid shall refer the appeal to the Department of Alcoholism and Substance Abuse for analysis of the appeal's basis, and substance. Further clarification of the information submitted may be requested of the agency. The Department of Alcoholism and Substance Abuse shall prepare a recommendation for the Department of Public Aid which

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Section 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Cont'd)

Section 148.390 Hearings (Cont'd)

shall make the final administrative decision based upon the appeal's conformity with 77 Ill. Adm. Code 2090.80.

service shall be in accordance with the "Rules of Practice For Medical Vendor Administrative Proceedings" (89 Ill. Adm. Code 104: Subpart C).

e) The provider will be notified of the appeal decision in writing within 60 days of the receipt of the written appeal.

f) Depending upon the result of the decision on the appeal, any change in the reimbursement rate may be retroactive to the beginning of the rate year or to the date of the program change within affected rate year that serves as the basis for the rate appeal.

c) All hearings held pursuant to these rules shall be conducted by an attorney designated by the Director of the Department as a hearing officer and said hearing shall be conducted under and governed by the applicable "Rules of Practice For Medical Vendor Administrative Proceedings" promulgated by the Department (Ill. Adm. Code 104: Subpart C).

d) The hearing officer shall prepare a written report of the case which shall contain findings of fact and recommended decisions with regard to the issues of certification and participation in the Medicaid Program. The Director of DASA shall make a final determination regarding certification, which shall be in writing and forwarded to the Director of IDPA. The Director of the Department shall then make a final decision concerning participation in the Medicaid Program, based on the findings of fact, the recommended decision and the final certification determination by DASA. A final administrative decision shall be issued in writing and contain findings of fact and the final determinations concerning certification and participation in the Medicaid Program. A copy of the decision shall be served on each party.

1) Has failed to comply with 77 Ill. Adm. Code 2090.40(a)(2); 2090.40(b)(2); 2090.40(c)(2); or 2090.40(d), and/or

2) Has failed to comply with 77 Ill. Adm. Code 2090.110(b)(2), and/or

3) Does not have a valid license for an enrolled treatment service category issued by the appropriate licensing authority, and/or

4) Any of the grounds for payment recovery or termination set forth in 89 Ill. Adm. Code 140.15 or 140.16 are present.

b) When a proceeding is initiated against providers of alcoholism or substance abuse services, the Department and DASA jointly shall notify the provider of the intended action(s). Notice, service and proof of

(Source: Amended at 15 Ill. Reg. 18684, effective December 23, 1991)

(Source: Amended at 15 Ill. Reg. 18684, effective December 23, 1991)

Section 148.390 Hearings

a) The Department and the Department of Alcoholism and Substance Abuse (DASA) may jointly initiate administrative proceedings pursuant to 89 Ill. Adm. Code Part 104, Subpart C, to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider:

e) The Department may initiate proceedings on its own against providers of alcoholism and substance abuse services pursuant to 89 Ill. Adm. Code 140.15 or 140.16.

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NOTICE OF ADOPTED AMENDMENTS

790.8580 Amendment 15 Ill. Reg. 15943
790.9048 Amendment 15 Ill. Reg. 15943
790.9050 Amendment 15 Ill. Reg. 15943
790.9100 Amendment 15 Ill. Reg. 15943

There is still an emergency in effect on Sections 790.600, 790.1350, 790.3027, 790.3910, 790.5320, 790.7828 and 790.9048 which is not affected by this set of adopted amendments. The emergency amendments appear at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days. The copies filed in the Administrative Code Unit reflect both the emergency amendments and these adopted amendments.

15) Summary and Purpose of Rules:

The Department proposes to amend various sections of the Illinois Formulary for the Drug Product Selection Program. These rules are promulgated on the basis of changes in the Food and Drug Administration's recommendation of these drug entities for Drug Product Selection. These changes were published in the Twelfth Edition, First Supplement of the Illinois Formulary. In accordance with the provisions of Public Act 85-451, these changes were published in the Illinois Register as emergency amendments, effective July 19, 1991.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

9) Date Notice(s) of Proposal was Published in Illinois Register:

August 2, 1991, 15 Ill. Reg. 11070

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No

11) Difference Between Proposal and Final Version:

Jenest-28 by Organon has been deleted from Section 790.3907, because its initial listing was in error.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

No changes were suggested by the Joint Committee on Administrative Rules.

13) Will the Rules Replace an Emergency Rule Currently in Effect? Yes.

14) Are there any other Amendments Pending on this Part? Yes

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
790.40	Amendment	15 Ill. Reg. 15943
790.600	Amendment	15 Ill. Reg. 15943
790.799	Amendment	15 Ill. Reg. 15943
790.920	Amendment	15 Ill. Reg. 15943
790.1350	New Section	15 Ill. Reg. 15943
790.1388	New Section	15 Ill. Reg. 15943
790.1950	Amendment	15 Ill. Reg. 15943
790.2485	Amendment	15 Ill. Reg. 15943
790.2580	Amendment	15 Ill. Reg. 15943
790.2603	Amendment	15 Ill. Reg. 15943
790.2613	Amendment	15 Ill. Reg. 15943
790.2805	Amendment	15 Ill. Reg. 15943
790.3027	Amendment	15 Ill. Reg. 15943
790.3910	Amendment	15 Ill. Reg. 15943
790.4040	Amendment	15 Ill. Reg. 15943
790.5180	Amendment	15 Ill. Reg. 15943
790.5312	Amendment	15 Ill. Reg. 15943
790.5320	Amendment	15 Ill. Reg. 15943
790.5380	Amendment	15 Ill. Reg. 15943
790.5640	Amendment	15 Ill. Reg. 15943
790.6370	Amendment	15 Ill. Reg. 15943
790.7828	Amendment	15 Ill. Reg. 15943

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 790
THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION PROGRAM

SUBPART A: GENERAL PROVISIONS

SECTION
790.20 Introduction
790.40 Consideration of Drug Products for Inclusion
EMERGENCY in the Illinois Formulary
790.60 Additional Criteria
790.80 Quality Listing
790.100 Generic Drug Entity Headings
790.120 Comments and Specific Administration
790.140 Requests for Additional Copies
790.160 Prescription Use of Drug Products
790.180 FDA Drug Product Approval and Recommendation
790.200 Availability of Drug Products;
Pharmaceutical Equivalence
790.220 Single Source Drug Products Exclusion
790.240 Criteria for Exclusion of Drug Products
790.260 Inclusion of Controlled Substances
790.280 Equivalence of Products Requirements
790.300 Selection of Equivalent Drug Products
790.320 Transfer of Prescription Records

SECTION
790.420
790.460
790.480
790.500
790.540
790.548
790.580
790.600
EMERGENCY
790.620
790.630

ACETAMINOPHEN; BUTALBITAL
ACETAMINOPHEN; BUTALBITAL; CAFFEINE
ACETAMINOPHEN; CAFFEINE; DIHYDROCODEINE BITARTRATE
ACETAMINOPHEN; CODEINE PHOSPHATE
ACETAMINOPHEN; HYDROCODONE BITARTRATE
ACETAMINOPHEN; OXYCODONE HYDROCHLORIDE
ACETAMINOPHEN; PROPOXYPHENE HYDROCHLORIDE
ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE

ACETAZOLAMIDE
ACETAZOLAMIDE SODIUM

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790.660 ACETIC ACID, GLACIAL
790.700 ACETIC ACID, GLACIAL; HYDROCORTISONE
790.706 ACETOHEXAMIDE
790.721 ACETYLCYSTEINE
790.740 ALBUTEROL SULFATE
790.756 ALCOHOL; DEXTROSE
790.780 ALLOPURINOL
790.788 AMANTADINE HYDROCHLORIDE
790.798 AMILORIDE HYDROCHLORIDE
790.799 AMILORIDE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
EMERGENCY
790.815 AMINOACETIC ACID (Repealed)
790.820 AMINOCAPROIC ACID
790.830 AMINOHIPPURATE SODIUM
790.860 AMINOPHYLLINE
790.900 AMITRIPTYLINE HYDROCHLORIDE
790.905 AMITRIPTYLINE HYDROCHLORIDE; CHLORDIAZEPOXIDE
790.910 AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE
790.920 AMOXAPINE
EMERGENCY
790.940 AMOXICILLIN TRIHYDRATE
790.974 AMPHOTERICIN B
790.980 AMPICILLIN SODIUM
790.1020 AMPICILLIN; PROBENECID
790.1060 AMPICILLIN/AMPCILLIN TRIHYDRATE
790.1100 ANISOTROPINE METHYLBROMIDE (Repealed)
790.1107 ANTIZOLINE PHOSPHATE; NAPHAZOLINE HYDROCHLORIDE
790.1112 ANTIPYRINE; BENZOCAINE
790.1120 ASCORBIC ACID; BIOTIN; CYANOCOBALAMIN; DEXPANTHENOL;
ERGOCALCIFEROL; FOLIC ACID; NIACINAMIDE; PYRIDOXINE
HYDROCHLORIDE; RIBOFLAVIN PHOSPHATE SODIUM; THIAMINE
790.1125 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; IRON; NICOTINIC ACID;
PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;
VITAMIN A; VITAMIN D; VITAMIN E
790.1127 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; NICOTINIC ACID;
PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE;
VITAMIN A; VITAMIN D; VITAMIN E
790.1129 ASCORBIC ACID; FLUORIDE; IRON; VITAMIN A; VITAMIN D
790.1131 ASCORBIC ACID; FLUORIDE; VITAMIN A; VITAMIN D
790.1140 ASPIRIN; BUTALBITAL; CAFFEINE
790.1180 ASPIRIN; BUTALBITAL; CAFFEINE; PHENACETIN (Repealed)
790.1200 ASPIRIN; CAFFEINE; ORPHENADRINE CITRATE (Repealed)
790.1220 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE
(Repealed)
790.1260 ASPIRIN; CAFFEINE; PHENACETIN; PROPOXYPHENE HYDROCHLORIDE
(Repealed)

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790.1300 ASPIRIN; CAFFEINE; PROPOXYPHENE HYDROCHLORIDE
 790.1345 ASPIRIN; CARISOPRODOL
 790.1350 ASPIRIN; CODEINE PHOSPHATE
 EMERGENCY
 790.1360 ASPIRIN; MeproBAMATE
 790.1380 ASPIRIN; METHOCARBAMOL
 790.1386 ASPIRIN; OXYCODONE HYDROCHLORIDE; OXYCODONE TEREPHTHALATE
 790.1388 ATENOLOL
 EMERGENCY
 790.1390 ATENOLOL; CHLORTHALIDONE
 790.1418 ATROPINE
 790.1420 ATROPINE SULFATE; DIPHENOXYLATE HYDROCHLORIDE
 790.1423 ATROPINE SULFATE; HYOSCYAMINE; PHENOBARBITAL; SCOPOLAMINE
 HYDROBROMIDE
 790.1425 ATROPINE SULFATE; MEPERIDINE HYDROCHLORIDE
 790.1440 AZATHIOPRINE SODIUM
 790.1460 BACITRACIN
 790.1490 BACITRACIN ZINC; HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B
 SULFATE
 790.1500 BACITRACIN ZINC; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
 790.1540 BACITRACIN ZINC; POLYMYXIN B SULFATE
 790.1560 BACLOFEN
 790.1570 BENZTROPINE MESYLATE
 790.1573 BEPRIDIL HYDROCHLORIDE
 790.1577 BETAMETHASONE DIPROPIONATE
 790.1580 BETAMETHASONE SODIUM PHOSPHATE
 790.1620 BETAMETHASONE VALERATE
 790.1660 BETHANECHOL CHLORIDE
 790.1685 BRETILIUM TOSYLATE
 790.1686 BRETILIUM TOSYLATE; DEXTROSE
 790.1697 BROMODIPHENHYDRAMINE HYDROCHLORIDE; CODEINE PHOSPHATE
 790.1700 BROMPHENIRAMINE MALEATE
 790.1706 BROMPHENIRAMINE MALEATE; CODEINE PHOSPHATE;
 BROMPHENIRAMINE MALEATE; CODEINE PHOSPHATE;
 PHENYLPROPANOLAMINE HYDROCHLORIDE
 BROMPHENIRAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;
 PSEUDOEPHEDRINE HYDROCHLORIDE
 BROMPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
 BUPIVACINE HYDROCHLORIDE
 790.1710 BUPIVACINE HYDROCHLORIDE; EPINEPHRINE BITARTRATE
 790.1719 BUPIVACINE HYDROCHLORIDE
 790.1721 BUPIVACINE HYDROCHLORIDE
 790.1740 BUTABARBITAL SODIUM
 790.1780 CAFFEINE; CARISOPRODOL; PHENACETIN (Repealed)
 790.1820 CAFFEINE; ERGOTAMINE TARTRATE
 790.1842 CALCIUM CHLORIDE; DEXTROSE; MAGNESIUM CHLORIDE; SODIUM
 CHLORIDE; SODIUM LACTATE
 790.1846 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.1848 CALCIUM CHLORIDE; DEXTROSE; POTASSIUM CHLORIDE; SODIUM
 CHLORIDE; SODIUM LACTATE

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790.1856 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
 790.1858 CALCIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM CHLORIDE; SODIUM
 LACTATE
 790.1860 CALCIUM GLUCEPTATE
 790.1870 CALCIUM GLUCONATE
 790.1900 CANDICIDIN (Repealed)
 790.1930 CARBAMAZEPINE
 790.1940 CARBENICILLIN DISODIUM
 790.1950 CARBINOXAMINE MALEATE; DEXTROMETHORPHAN HYDROBROMIDE;
 PSEUDOEPHEDRINE HYDROCHLORIDE
 EMERGENCY
 790.1960 CARBINOXAMINE MALEATE; PSEUDOEPHEDRINE HYDROCHLORIDE
 CARISOPRODOL
 790.1980 CEFADROXIL MONOHYDRATE
 790.2020 CEFADROXIL MONOHYDRATE
 790.2060 CEFUROXIME SODIUM
 790.2084 CEFTAZIDIME
 790.2092 CEFUROXIME SODIUM
 790.2097 CEPHALEXIN
 790.2100 CEPHALOTHIN SODIUM
 790.2130 CEPHAPIRIN SODIUM
 790.2140 CEPHRADINE/CEPHRADINE DIHYDRATE
 790.2155 CHLORAL HYDRATE
 790.2180 CHLORAMPHENICOL
 790.2220 CHLORAMPHENICOL SODIUM SUCCINATE
 790.2260 CHLORDIAZEPOXIDE HYDROCHLORIDE
 790.2300 CHLORMEZANONE (Repealed)
 790.2340 CHLOROQUINE PHOSPHATE
 790.2380 CHLOROTHIAZIDE
 790.2390 CHLOROTHIAZIDE; METHYLDOPA
 790.2420 CHLOROTRIANISENE
 790.2460 CHLORPHENIRAMINE MALEATE
 790.2462 CHLORPHENIRAMINE MALEATE; CODEINE PHOSPHATE; PSEUDOEPHEDRINE
 HYDROCHLORIDE
 790.2465 CHLORPHENIRAMINE MALEATE; PHENYLEPHRINE HYDROCHLORIDE;
 PHENYLPROPANOLAMINE HYDROCHLORIDE; PHENYLTOLAXAMINE CITRATE
 790.2470 CHLORPHENIRAMINE MALEATE; PHENYLPROPANOLAMINE HYDROCHLORIDE
 790.2485 CHLORPHENIRAMINE TANNATE; PHENYLEPHRINE TANNATE; PYRILAMINE
 EMERGENCY
 790.2500 TANNATE
 790.2510 CHLORPROPAMIDE
 790.2540 CHLORTHALIDONE
 790.2555 CHLORTHALIDONE; CLONIDINE HYDROCHLORIDE
 790.2580 CHLORZOXAZONE
 EMERGENCY
 790.2583 CHROMIC CHLORIDE
 790.2595 CITRIC ACID; MAGNESIUM OXIDE; SODIUM CARBONATE
 790.2603 CLINDAMYCIN HYDROCHLORIDE
 EMERGENCY

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790.2605 CLINDAMYCIN PHOSPHATE
790.2613 CLOFIBRATE
EMERGENCY
790.2614
790.2617 CLOMIPHENE CITRATE
790.2620 CLONIDINE HYDROCHLORIDE
790.2620 CLORAZEPATE DIPOTASSIUM
790.2645 CLOTRIMAZOLE
790.2645 CLOXACILLIN SODIUM MONOHYDRATE
790.2655 CODEINE PHOSPHATE; GUAIFENESIN
790.2660 CLOXACILLIN SODIUM MONOHYDRATE (Repealed)
790.2661 CODEINE PHOSPHATE; GUAIFENESIN; PSEUDOPHEDRINE HYDROCHLORIDE
790.2662 CODEINE PHOSPHATE; IODINATED GLYCEROL
790.2663 CODEINE PHOSPHATE; PHENYLEPHRINE HYDROCHLORIDE;
PROMETHAZINE HYDROCHLORIDE
790.2668 CODEINE PHOSPHATE; PROMETHAZINE HYDROCHLORIDE
790.2672 CODEINE PHOSPHATE; PSEUDOPHEDRINE HYDROCHLORIDE;
TRIPROLIDINE HYDROCHLORIDE
790.2700 CORTICOTROPIN
790.2740 CROTAMITOL
790.2780 CYANOCOBALAMIN
790.2800 CYCLACILLIN
790.2805 CYCLOBENZAPRINE HYDROCHLORIDE
EMERGENCY
790.2820
790.2860 CYCLOPENTOLATE HYDROCHLORIDE
790.2900 CYCLOPHOSPHAMIDE
790.2900 CYPROHEPTADINE HYDROCHLORIDE
790.2902 CYTARABINE
790.2904 DACARBAZINE
790.2908 DANAZOL (Repealed)
790.2915 DAUNORUBICIN HYDROCHLORIDE
790.2928 DESIPRAMINE HYDROCHLORIDE (Repealed)
790.2932 DESONIDE
790.2940 DEAMETHASONE
790.2980 DEAMETHASONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.3020 DEAMETHASONE SODIUM PHOSPHATE
790.3021 DEAMETHASONE SODIUM PHOSPHATE; NEOMYCIN SULFATE
790.3023 DECHLORPHENIRAMINE MALEATE
790.3025 DEXTROMPHETAMINE SULFATE
790.3027 DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL
EMERGENCY
790.3028 DEXTROMETHORPHAN HYDROBROMIDE; PROMETHAZINE HYDROCHLORIDE
790.3029 DEXTROSE
790.3030 DEXTROSE; DOPAMINE HYDROCHLORIDE
790.3032 DEXTROSE; HEPARIN SODIUM
790.3033 DEXTROSE; LIDOCAINE HYDROCHLORIDE
790.3033 DEXTROSE; MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE;
790.3038 SODIUM ACETATE; SODIUM CHLORIDE; SODIUM GLUCONATE

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790.3042 DEXTROSE; POTASSIUM CHLORIDE
790.3048 DEXTROSE; POTASSIUM CHLORIDE; SODIUM CHLORIDE
790.3049 DEXTROSE; SODIUM CHLORIDE
790.3051 DEXTROSE; THEOPHYLLINE
790.3054 DIAZEPAM
790.3056 DIAZOXIDE
790.3060 DICLOXACILLIN SODIUM
790.3085 DICYCLIMINE HYDROCHLORIDE
790.3100 DIENESTROL
790.3140 DIETHYLPROPION HYDROCHLORIDE
790.3180 DIETHYLSTILBESTROL
790.3220 DIGOXIN
790.3260 DIMENHYDRINATE
790.3300 DIPHENHYDRAMINE HYDROCHLORIDE
790.3308 DIPYRIDAMOLE
790.3315 DISOPYRAMIDE PHOSPHATE
790.3335 DOPAMINE HYDROCHLORIDE
790.3340 DOXEPIN HYDROCHLORIDE
790.3350 DOXORUBICIN HYDROCHLORIDE
790.3380 DOXYCYCLINE
790.3420 DOXYCYCLINE HYCLATE
790.3425 DOXYLAMINE SUCCINATE
790.3437 DROPERIDOL
790.3440 DROPERIDOL; FENTANYL CITRATE
790.3460 ECHOTHIOPHATE IODIDE (Repealed)
790.3472 EDETATE DISODIUM
790.3475 EDROPHONIUM CHLORIDE
790.3488 EPINEPHRINE HYDROCHLORIDE
790.3492 EPINEPHRINE; LIDOCAINE HYDROCHLORIDE
790.3500 ERGOCALCIFEROL
790.3540 ERGOLOID MESYLATES
790.3580 ERGOTAMINE TARTRATE
790.3620 ERYTHROMYCIN
790.3660 ERYTHROMYCIN ESTOLATE
790.3700 ERYTHROMYCIN ETHYLSUCCINATE
790.3720 ERYTHROMYCIN ETHYLSUCCINATE; SULF ISOXAZOLE ACETYL
790.3730 ERYTHROMYCIN LACTOBIONATE
790.3740 ERYTHROMYCIN STEARATE
790.3742 ERYTHROMYCIN STEARATE
790.3780 ESTRADIOL CYPIONATE
790.3800 ESTRADIOL CYPIONATE; TESTOSTERONE CYPIONATE
790.3820 ESTRADIOL VALERATE
790.3860 ESTRADIOL VALERATE; TESTOSTERONE ENANTHATE
790.3900 ETHCHLORVYNOL
790.3904 ETHINYL ESTRADIOL; LEVONORGESTREL
790.3907 ETHINYL ESTRADIOL; NORETHINDRONE

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790.3910 FENOPROFEN CALCIUM
EMERGENCY
790.3914 FENTANYL CITRATE
790.3920 FLOXURIDINE
790.3940 FLUCINOLONE ACETONIDE
790.3945 FLUCINONIDE
790.3960 FLUOROMETHOLONE
790.3980 FLUOROURACIL
790.3996 FLUPHENAZINE DECANOATE
790.4012 FLUPHENAZINE HYDROCHLORIDE
790.4020 FLURANDRENOLIDE
790.4040 FLURAZEPAM HYDROCHLORIDE
EMERGENCY
790.4060 FOLIC ACID
790.4100 FUROSEMIDE
790.4140 GENTAMICIN SULFATE
790.4150 GENTAMICIN SULFATE; SODIUM CHLORIDE
790.4173 GLUCAGON HYDROCHLORIDE
790.4180 GLUTETHIMIDE
790.4200 GLYCINE
790.4220 GLYCOPYRROLATE
790.4260 GONADOTROPIN CHORIONIC
GRAMICIDIN; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.4300 GRISEOFULVIN MICROCRYSTALLINE
790.4340 GRISEOFULVIN ULTRAMICROCRYSTALLINE
790.4380 GUAIFENESIN; HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE
790.4384 HYDROCHLORIDE
790.4385 GUAIFENESIN; THEOPHYLLINE
790.4386 GUANETHIDINE MONOSULFATE
790.4396 HALOPERIDOL
790.4398 HALOPERIDOL LACTATE
790.4420 HEPARIN SODIUM
790.4430 HEPARIN SODIUM; SODIUM CHLORIDE
790.4460 HEXACHLOROPHENE
790.4495 HOMATROPINE HYDROBROMIDE
790.4500 HOMATROPINE METHYLBROMIDE (Repealed)
790.4540 HOMATROPINE METHYLBROMIDE; HYDROCODONE BITARTRATE
790.4580 HYDRALAZINE HYDROCHLORIDE
790.4620 HYDRALAZINE HYDROCHLORIDE; HYDROCHLOROTHIAZIDE
790.4660 HYDROCHLOROTHIAZIDE
790.4665 HYDROCHLOROTHIAZIDE; LABETALOL HYDROCHLORIDE
790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL
790.4670 HYDROCHLOROTHIAZIDE; METHYLDOPA
790.4680 HYDROCHLOROTHIAZIDE; PROPRANOLOL HYDROCHLORIDE
790.4700 HYDROCHLOROTHIAZIDE; SPIRONOLACTONE
790.4720 HYDROCHLOROTHIAZIDE; TRIAMTERENE
790.4725 HYDROCODONE BITARTRATE; PHENYLPROPANOLAMINE HYDROCHLORIDE

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790.4728 HYDROCODONE BITARTRATE; PSEUDOEPHEDRINE HYDROCHLORIDE
790.4740 HYDROCORTISONE
790.4780 HYDROCORTISONE; NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.4820 HYDROCORTISONE; POLYMYXIN B SULFATE
790.4840 HYDROCORTISONE SODIUM PHOSPHATE
790.4860 HYDROCORTISONE; UREA
790.4900 HYDROCORTISONE ACETATE
790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE
790.4960 HYDROCORTISONE ACETATE; PRAMOXINE HYDROCHLORIDE
790.4963 HYDROCORTISONE ACETATE; UREA
790.4965 HYDROCORTISONE BUTYRATE
790.4980 HYDROCORTISONE SODIUM SUCCINATE
790.5020 HYDROFLUMETHIAZIDE
790.5030 HYDROMORPHONE INJECTION
790.5060 HYDROXOCOBALAMIN
790.5100 HYDROXYPROGESTERONE CAPROATE
790.5140 HYDROXYZINE HYDROCHLORIDE
790.5180 HYDROXYZINE PAMOATE
EMERGENCY
790.5220 IBUPROFEN
790.5260 IDOXURIDINE
790.5300 IMIPRAMINE HYDROCHLORIDE
790.5312 INDOMETHACIN
EMERGENCY
790.5320 IODINATED GLYCEROL
EMERGENCY
790.5340 IRON DEXTRAN COMPLEX
790.5380 ISOETHARINE HYDROCHLORIDE
EMERGENCY
790.5420 ISONIAZID
790.5460 ISOPROTERENOL HYDROCHLORIDE
790.5483 ISOSORBIDE DINITRATE
790.5500 KANAMYCIN SULFATE
790.5520 KETAMINE HYDROCHLORIDE
790.5530 LABETALOL HYDROCHLORIDE
790.5540 LACTULOSE
790.5544 LEUCOVORIN CALCIUM
790.5555 LEVOCARNITINE
790.5560 LEVONORDEFIN; MEPIVICAINE HYDROCHLORIDE
790.5580 LIDOCAINE
790.5620 LIDOCAINE HYDROCHLORIDE
790.5640 LINCOMYCIN
EMERGENCY
790.5660 LINDANE
790.5700 LIOTHYRONINE SODIUM
790.5720 LISINAPRIL
790.5740 LITHIUM CARBONATE

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790.5780 LITHIUM CITRATE
790.5792 LORAZEPAM
790.5795 LOXAPINE SUCCINATE
790.5800 MAGNESIUM CHLORIDE; POTASSIUM CHLORIDE; SODIUM ACETATE;
SODIUM CHLORIDE; SODIUM GLUCONATE
MANNITOL
790.5802 MAPROTILINE HYDROCHLORIDE
790.5807 MECLIZINE HYDROCHLORIDE
790.5820 MECLIZINE HYDROCHLORIDE
790.5830 MECLOFENAMATE SODIUM
790.5835 MEDROXYPROGESTERONE ACETATE
790.5837 MEFENAMIC ACID (Repealed)
790.5840 MEGESTROL ACETATE
790.5860 MENADIOL SODIUM PHOSPHATE
790.5872 MEPERIDINE HYDROCHLORIDE
790.5893 MEPIVICAINE HYDROCHLORIDE
790.5900 MEPROBAMATE
790.5924 MESTRANOL; NORETHINDRONE
790.5940 METAPROTERENOL SULFATE
790.5980 METARAMINOL BITARTRATE
790.5992 METHADONE HYDROCHLORIDE
790.5996 METHAMPHETAMINE HYDROCHLORIDE
790.6020 METHIDILAZINE HYDROCHLORIDE
790.6060 METHENAMINE HIPPURATE
790.6100 METHICILLIN SODIUM
790.6140 METHOCARBAMOL
790.6180 METHOTREXATE SODIUM
790.6220 METHSCOPOLAMINE BROMIDE
790.6260 METHYLCLOTHIAZIDE
790.6275 METHYLDOPA
790.6277 METHYLDOPATE HYDROCHLORIDE
790.6280 METHYLPHENIDATE HYDROCHLORIDE
790.6284 METHYLPREDNISOLONE
790.6300 METHYLPREDNISOLONE SODIUM SUCCINATE
790.6340 METHYLTESTOSTERONE
790.6370 METOCLOPRAMIDE HYDROCHLORIDE
EMERGENCY
790.6375 METOCURINE IODIDE
790.6380 METOLAZONE
790.6420 METRONIDAZOLE
790.6430 MINOCYCLINE
790.6435 MINOXIDIL
790.6445 MORPHINE SULFATE
790.6450 NAFACILLIN SODIUM
790.6452 NALBUPHINE HYDROCHLORIDE
790.6454 NALIDIXIC ACID
790.6456 NALOXONE HYDROCHLORIDE
790.6460 NANDROLONE DECANOATE

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790.6480 NANDROLONE PHENPROPIONATE
790.6500 NAPHAZOLINE HYDROCHLORIDE
790.6505 NAPHAZOLINE HYDROCHLORIDE; PHENTRAMINE MALEATE
790.6540 NEOMYCIN SULFATE
790.6544 NEOMYCIN SULFATE; POLYMYXIN B SULFATE
790.6570 NEOMYCIN SULFATE; TRIAMCINOLONE ACETONIDE
790.6580 NIACIN
790.6610 NIFEDIPINE
790.6620 NITROFURANTOIN
790.6621 NITROFURANTOIN MACROCRYSTALS
790.6660 NITROFURAZONE
790.6670 NITROGLYCERIN INJECTION
790.6700 NORETHINDRONE ACETATE
790.6740 NORTRIPTYLINE HYDROCHLORIDE
790.6780 NYSTATIN
790.6800 NYSTATIN; TRIAMCINOLONE ACETONIDE
790.6820 ORPHENADRINE CITRATE
790.6860 OXACILLIN SODIUM
790.6875 OXAZEPAM
790.6885 OXTRIPHYLLINE
790.6895 OXYBUTYRIN
790.6900 OXYPHENBUTAZONE (Repealed)
790.6940 OXYTETRACYCLINE HYDROCHLORIDE
790.6946 OXYTOCIN
790.6960 PANCURONIUM BROMIDE
790.6980 PENICILLIN G POTASSIUM
790.7020 PENICILLIN G PROCAINE
790.7060 PENICILLIN G SODIUM (Repealed)
790.7100 PENICILLIN V POTASSIUM
790.7120 PENTOBARBITAL SODIUM
790.7130 PERPHENAZINE
790.7140 PHENDIMETRAZINE TARTRATE
790.7160 PHENOBARBITAL
790.7180 PHENTERMINE HYDROCHLORIDE
790.7181 PHENTERMINE RESIN COMPLEX
790.7220 PHENYLBUTAZONE (Repealed)
790.7221 PHENYLEPHRINE HYDROCHLORIDE
790.7223 PHENYLEPHRINE HYDROCHLORIDE; PROMETHAZINE HYDROCHLORIDE
790.7229 PHENYTOIN SODIUM INJECTION
790.7245 PIPERAZINE HYDROCHLORIDE
790.7260 PIPERAZINE CITRATE
790.7265 POLYETHYLENE GLYCOL 3350; POTASSIUM CHLORIDE; SODIUM
BICARBONATE; SODIUM CHLORIDE; SODIUM SULFATE, ANHYDROUS
790.7272 POLYMYXIN B SULFATE
790.7278 POTASSIUM BICARBONATE
790.7280 POTASSIUM CHLORIDE
790.7284 POTASSIUM CHLORIDE; SODIUM CHLORIDE

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790.7288	POTASSIUM GLUCONATE
790.7291	PRALIDOXIME CHLORIDE
790.7294	PRAZEPAM (Repealed)
790.7296	PRAZOSIN HYDROCHLORIDE
790.7300	PREDNISOLONE ACETATE
790.7340	PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM
790.7380	PREDNISOLONE SODIUM PHOSPHATE
790.7400	PREDNISONE
790.7420	PRIMIDONE
790.7460	PROBENECID
790.7500	PROCAINAMIDE HYDROCHLORIDE
790.7510	PROCAINE HYDROCHLORIDE
790.7540	PROCHLORPERAZINE EDISYLATE
790.7580	PROCHLORPERAZINE MALEATE
790.7620	PROGESTERONE
790.7660	PROMAZINE HYDROCHLORIDE
790.7700	PROMETHAZINE HYDROCHLORIDE
790.7740	PROPANTHELINE BROMIDE
790.7780	PROPARACINE HYDROCHLORIDE
790.7820	PROPOXYPHENE HYDROCHLORIDE
790.7828	PROPRANOLOL HYDROCHLORIDE
EMERGENCY	
790.7834	PROTAMINE SULFATE
790.7860	PSEUDOEPHEDRINE HYDROCHLORIDE; TRIPROLIDINE HYDROCHLORIDE
790.7900	PYRIDOSTIGMINE BROMIDE
790.7940	PYRIDOXINE HYDROCHLORIDE
790.7980	PYRILAMINE MALEATE
790.8015	QUINIDINE GLUCONATE
790.8020	QUINIDINE SULFATE
790.8060	RESERPINE
790.8100	RIFAMPIN
790.8106	RITODRINE HYDROCHLORIDE
790.8136	SECOBARBITAL SODIUM
790.8140	SELENIUM SULFIDE
790.8180	SILVER SULFADIAZINE
790.8220	SODIUM AMINOSALICYLATE
790.8232	SODIUM CHLORIDE
790.8244	SODIUM LACTATE
790.8248	SODIUM NITROPRUSSIDE
790.8260	SODIUM POLYSTYRENE SULFONATE
790.8290	SOYBEAN OIL
790.8300	SPIRONOLACTONE
790.8340	STREPTOMYCIN SULFATE
790.8378	SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE
790.8380	SULFABENZAMIDE; SULFACETAMIDE; SULFATHIAZOLE; UREA
790.8420	SULFACETAMIDE SODIUM
790.8460	SULFADIAZINE

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790.8500	SULFAMETHIZOLE
790.8540	SULFAMETHOXAZOLE
790.8580	SULFAMETHOXAZOLE; TRIMETHOPRIM
EMERGENCY	
790.8590	SULFANILAMIDE
790.8620	SULFASALAZINE
790.8660	SULFINPYRAZONE
790.8700	SULFISOXAZOLE
790.8710	SULINDAC
790.8724	TEMAZEPAM
790.8727	TERBUTALINE SULFATE
790.8740	TESTOSTERONE CYPIONATE
790.8780	TESTOSTERONE ENANTHATE
790.8820	TESTOSTERONE PROPIONATE
790.8860	TETRACYCLINE
790.8900	TETRACYCLINE HYDROCHLORIDE
790.8940	THEOPHYLLINE
790.8980	THIAMINE HYDROCHLORIDE
790.9020	THIORIDAZINE HYDROCHLORIDE
790.9035	THIOETHYLENE
790.9045	THIOETHYLENE HYDROCHLORIDE
790.9048	TIMLOL MALEATE
EMERGENCY	
790.9050	TOBRAMYCIN SULFATE
EMERGENCY	
790.9056	TOLAZAMIDE
790.9060	TOLBUTAMIDE
790.9084	TRAZODONE HYDROCHLORIDE
790.9100	TRIAMCINOLONE ACETONIDE
EMERGENCY	
790.9140	TRIFLUOPERAZINE HYDROCHLORIDE
790.9180	TRIMETHOPRIM
790.9220	TRIMETHOPRIM MALEATE (Repealed)
790.9260	TRIMETHOPRIM MALEATE (Repealed)
790.9300	TRIMETHOPRIM
790.9320	TRIMETHOPRIM MALEATE (Repealed)
790.9340	TRIMETHOPRIM MALEATE (Repealed)
790.9380	TRIPROLOLIDINE HYDROCHLORIDE
790.9420	TRISULFAPYRIMIDINE
790.9460	TROPICAMIDE
790.9475	VALPROATE SODIUM
790.9478	VALPROIC ACID
790.9486	VANCOMYCIN HYDROCHLORIDE
790.9500	VERAPAMIL HYDROCHLORIDE
790.9520	VINBLASTINE SULFATE
790.9530	VINCRISTINE SULFATE
790.9540	VITAMIN A

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VITAMIN A PALMITATE
 WATER FOR INJECTION, STERILE
 WATER FOR IRRIGATION, STERILE
 XYLOSE

AUTHORITY: Implementing and authorized by Section 3.14 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1989, ch. 56 1/2, par. 503.14) and Section 25 of the Pharmacy Practice Act (Ill. Rev. Stat. 1989, ch. 111, par. 4145).

SOURCE: Emergency amendment at 2 Ill. Reg. 18, p. 47, effective April 26, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 26, p. 150, effective July 1, 1978; emergency amendment at 2 Ill. Reg. 40, p. 98, effective October 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 51, p. 48, effective December 18, 1978; emergency amendment at 3 Ill. Reg. 2, p. 18, effective December 31, 1978, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 15, p. 147, effective April 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 27, p. 113, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 32, p. 158, effective August 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 41, p. 178, effective October 8, 1979; emergency amendment at 4 Ill. Reg. 51, p. 147, effective December 12, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 3466, effective March 25, 1981; amended at 5 Ill. Reg. 7107, effective June 24, 1981; amended at 5 Ill. Reg. 9120, effective October 1, 1981; amended at 5 Ill. Reg. 14605, effective February 1, 1982; amended at 6 Ill. Reg. 6750, effective July 1, 1982; amended at 6 Ill. Reg. 11558, effective September 15, 1982; amended at 6 Ill. Reg. 15195, effective December 15, 1982; amended at 7 Ill. Reg. 7110, effective July 1, 1983; amended at 7 Ill. Reg. 13270, effective October 1, 1983; amended at 7 Ill. Reg. 16924, effective January 1, 1984; amended at 8 Ill. Reg. 2162, effective March 1, 1984; amended at 8 Ill. Reg. 8513, effective July 1, 1984; codified at 8 Ill. Reg. 13402; amended at 8 Ill. Reg. 22108, effective November 1, 1984; amended at 9 Ill. Reg. 4071, effective April 1, 1985; amended at 9 Ill. Reg. 6816, effective May 1, 1985; amended at 10 Ill. Reg. 253, effective January 1, 1986; amended at 10 Ill. Reg. 8814, effective May 15, 1986; amended at 11 Ill. Reg. 3565, effective February 23, 1987; amended at 11 Ill. Reg. 9223, effective May 15, 1987; amended at 11 Ill. Reg. 14382, effective August 15, 1987; amended at 12 Ill. Reg. 1823, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1984, effective January 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 7743, effective April 15, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 9153, effective May 13, 1988; amended at 12 Ill. Reg. 10133, effective May 31, 1988, emergency amendment at 12 Ill. Reg. 10745, effective June 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12846, effective July 29, 1988; emergency amendment at 12 Ill. Reg. 13255, effective August 5, 1988, for a maximum of 150 days, emergency expired January 2, 1989; amended at 12 Ill. Reg. 15101, effective September 16, 1988; emergency amendment at 12 Ill. Reg. 16937, effective October 7,

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1988, for a maximum of 150 days; amended at 13 Ill. Reg. 856, effective January 6, 1989; emergency amendment at 13 Ill. Reg. 3108, effective February 28, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8890, effective May 26, 1989, and January 1, 1990; amended at 13 Ill. Reg. 11717, effective July 14, 1989; corrected at 13 Ill. Reg. 12909; emergency amendment at 13 Ill. Reg. 12990, effective August 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 14477; emergency amendment at 13 Ill. Reg. 17101, effective October 13, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19770, effective December 8, 1989; emergency amendment at 14 Ill. Reg. 1505 effective January 12, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 3184, effective February 16, 1990; emergency amendment at 14 Ill. Reg. 4620, effective March 9, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 8154, effective May 11, 1990; emergency amendment at 14 Ill. Reg. 9556, effective June 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 11988, effective July 13, 1990; emergency amendment at 14 Ill. Reg. 13325, effective August 10, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17298, effective October 5, 1990; emergency amendment at 14 Ill. Reg. 18588, effective November 9, 1990; emergency expired April 8, 1991; amended at 14 Ill. Reg. 20755, effective December 21, 1990; emergency amendment at 15 Ill. Reg. 3537, effective March 8, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 6566, effective April 19, 1991; emergency amendment at 15 Ill. Reg. 11194, effective July 19, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11791, effective August 2, 1991; emergency amendment at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18697, effective December 13, 1991.

AGENCY NOTE: The text of Sections 790.600, 790.1350, 790.3027, 790.3910, 790.5320, 790.7828 and 790.9048 which appear below do not include the emergency amendments adopted at 15 Ill. Reg. 16484, effective October 25, 1991, for a maximum of 150 days. The copies filed with the Administrative Code Unit reflect both emergency rules.

SUBPART B: APPROVED DRUG PRODUCTS FOR DRUG PRODUCT SELECTION

Section 790.600 ACETAMINOPHEN; PROPOXYPHENE NAPSYLATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Acetaminophen;	tab 325mg;50mg	Barr
Propoxyphene Napsylate	tab 650mg;100mg	Barr
	tab 325mg;50mg	Bolar
	tab 650mg;100mg	Bolar
	tab-325mg;50mg	Chelsea
	tab-650mg;100mg	Chelsea
	tab 650mg;100mg	Cord
	tab 325mg;50mg	Halsey

tab	650mg; 100mg
tab	650mg; 100mg
tab	650mg; 100mg
tab	650mg; 100mg
tab	650mg; 100mg

Brand(s)

Darvocet-N 50

Darvocet-N 100

Propacet 100

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.740 ALBUTEROL SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Albuterol Sulfate	tab eq 2,4mg base	American Therapeutics
	tab eq 2,4mg base	Biocraft
	tab eq 2,4mg base	Cord
	tab eq 2,4mg base	Danbury
	tab eq 2,4mg base	Lederle/Am Cyanamid
	tab eq 2,4mg base	Lemmon
	tab eq 2,4mg base	Mutual
	tab eq 2,4mg base	Mylan
	tab eq 2,4mg base	Sidmak
	tab eq 2,4mg base	Warner Chilcott/W-L
Brand(s)		
Proventil	soln for inh1 eq 0.5% base	Schering
Ventolin	soln for inh1 eq 0.5% base	Glaxo
Proventil	syrr eq 2mg base/5ml	Schering
Ventolin	syrr eq 2mg base/5ml	Glaxo
Proventil	tab eq 2,4mg base	Schering
Ventolin	tab eq 2,4mg base	Glaxo

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.910 AMITRIPTYLINE HYDROCHLORIDE; PERPHENAZINE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Amitriptyline	tab 10mg; 2mg	Barr
Hydrochloride;	tab 25mg; 2mg	Barr
Perphenazine	tab 10mg; 4mg	Barr
	tab 25mg; 4mg	Barr
	tab 10mg; 2mg	Bolar

tab 25mg; 2mg	Bolar
tab 10mg; 4mg	Bolar
tab 25mg; 4mg	Bolar
tab 50mg; 4mg	Bolar
tab-10mg; 2mg	Geissea
tab-25mg; 2mg	Geissea
tab-10mg; 4mg	Geissea
tab-25mg; 4mg	Geissea
tab 10mg; 2mg	Cord
tab 25mg; 2mg	Cord
tab 10mg; 4mg	Cord
tab 25mg; 4mg	Cord
tab 50mg; 4mg	Cord
tab 10mg; 2mg	Danbury
tab 25mg; 2mg	Danbury
tab 10mg; 4mg	Danbury
tab 25mg; 4mg	Danbury
tab 50mg; 4mg	Danbury
tab 10mg; 2mg	Mylan
tab 25mg; 2mg	Mylan
tab 10mg; 4mg	Mylan
tab 25mg; 4mg	Mylan
tab 50mg; 4mg	Mylan
tab 10mg; 2mg	Par
tab 25mg; 2mg	Par
tab 10mg; 4mg	Par
tab 25mg; 4mg	Par
tab 50mg; 4mg	Par
tab 10mg; 2mg	Zenith
tab 25mg; 2mg	Zenith
tab 10mg; 4mg	Zenith
tab 25mg; 4mg	Zenith
tab 50mg; 4mg	Zenith
tab 10mg; 2mg	MSD/Merck
tab 25mg; 2mg	MSD/Merck
tab 10mg; 4mg	MSD/Merck
tab 25mg; 4mg	MSD/Merck
tab 50mg; 4mg	MSD/Merck

Brand(s)

Triavil 2-10

Triavil 2-25

Triavil 4-10

Triavil 4-25

Triavil 4-50

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.1127 ASCORBIC ACID; CYANOCOBALAMIN; FLUORIDE; NICOTINIC ACID; PYRIDOXINE HYDROCHLORIDE; RIBOFLAVIN; THIAMINE HYDROCHLORIDE; VITAMIN A; VITAMIN D; VITAMIN E

[illegible]

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.1350 ASPIRIN; CODEINE PHOSPHATE

<u>DRUG</u>	<u>DOSAGE FORM, STRENGTH</u>	<u>APPLICATION HOLDER, MANUFACTURER</u>
Aspirin; Codeine Phosphate Brand (s)	tab 325mg; 15, 30, 60mg	Barr
Empirin w/Codeine #2, 3, 4	tab 325mg; 15, 30, 60mg	Burroughs-Wellcome

entity was reviewed by the Technical Advisory Council and admitted to the
 nents Formulary as an exception to the promulgated criteria for inclusion,
 nant to Section 790.60.

(Source: Added at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.1560 BACLOFEN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Baclofen	tab 10,20mg tab 10,20mg	Pharmaceutical-Basie Zenith
Brand(s) lorazepam	tab 10,20mg	Ciba-Geigy

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.1573 BEPRIDIL HYDROCHLORIDE

<u>DRUG</u>	<u>DOSAGE FORM, STRENGTH</u>	<u>APPLICATION HOLDER, MANUFACTURER</u>
<u>Brand(s)</u> Bepadin Vascor	tab 200, 300, 400mg tab 200, 300, 400mg	Wallace RW Johnson

(Source: Added at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.1870 CALCIUM GLUCONATE

<u>DRUG</u>	<u>DOSAGE FORM, STRENGTH</u>	<u>APPLICATION HOLDER, MANUFACTURER</u>
Calcium Gluconate	inj 100mg/ml	Astra
	inj 100mg/ml	Elkins-Sinn

inj 100mg/ml	LynphoMed
inj 100mg/ml	UpJohn
inj 100mg/ml	Warner Chilcott/W-L

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Added at 15 ILL. Reg. 18697, effective December 13, 1991)

Section 790.1930 CARBAMAZEPINE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Carbamazepine	chew tab 100mg tab 200mg tab 200mg tab-200mg tab 200mg tab 200mg	Warner-Chilcott/W-L Inwood/Forest Parke-Davis/W-L Pharmaceutical-Basies Purepac Sildmak
Brand(s) Tegretol Eptol Tegretol	chew tab 100mg tab 200mg tab 200mg	Geigy/Ciba-Geigy Lemmon Geigy/Ciba-Geigy

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.2060 CEFZOLIN SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Cefazolin Sodium	inj	Baxter
	inj	Ben Venue
	inj	Elkins-Sinn/Robins
	inj	Lenmon
	inj	LyphoMed
	inj	Marsam
Brand(s)		
Ancef	inj	SKF
Kefzol	inj	Lilly
Zolicef	inj	Bristol/B-M

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.2180 CHLORAMPHENICOL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Chloramphenicol	cap oint, opth 1% soln, opth 0.5% soln, opth 0.5%	Zenith Altana Norbrook Am Steris
Brand(s)		
Amphicol	cap	MK Laboratories
Chloromycetin	cap	Parke-Davis/W-L
Mychel	cap	Rachelle
Chlorofair	oint, opth 1%	Pharmafair
Chloromycetin	oint, opth 1%	Parke-Davis/W-L
Chloroptic S.O.P.	oint, opth 1%	Allergan
Econochlor	oint, opth 1%	Alcon
AK-Chlor	soln, opth 0.5%	Akorn
Chlorofair	soln, opth 0.5%	Pharmafair
Chloroptic	soln, opth 0.5%	Allergan
Econochlor	soln, opth 0.5%	Alcon
Ophthochlor	soln, opth 0.5%	Parke-Davis/W-L
Optomycin	soln, opth 0.5%	Optics

(Source: Amended at 15 ILL. Reg. 18697, effective December 13, 1991)

Section 790.2618 CLORAZEPATE DIPOTASSIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Clorazepate Dipotassium	cap 3.75, 7.5, 15mg	Able
	cap 3.75, 7.5, 15mg	American Therapeutics
	@ cap 3.75, 7.5, 15mg	Chelsea
	cap 3.75, 7.5, 15mg	Cord
	cap 3.75, 7.5, 15mg	Lederle/Am Cyanamid
	cap 3.75, 7.5, 15mg	Mylan
	cap 3.75, 7.5, 15mg	Pharmaceutical Basics
	cap 3.75, 7.5, 15mg	Purepac/Kalipharma
	cap-3.75, 7.5, 15mg	Quantum
	cap 3.75, 7.5, 15mg	Searle
	@ cap 3.75, 7.5, 15mg	Warner Chilcott/W-L
	tab 3.75, 7.5, 15mg	Able
	tab 3.75, 7.5, 15mg	American Therapeutics
	tab 3.75, 7.5, 15mg	Cord
	@ tab 3.75, 7.5, 15mg	Lederle/Am Cyanamid
	tab 3.75, 7.5, 15mg	Mylan

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tab 3.75, 7.5, 15mg
tab 3.75, 7.5, 15mg
tab 3.75, 7.5, 15mg

Purepac/Kalipharma
Warner Chilcott/W-L
Watson

Brand(s)
Gen-Xene
Tranxene

tab 3.75, 7.5, 15mg
tab 3.75, 7.5, 15mg

Alfa
Abbott

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.2655 CODEINE PHOSPHATE; GUAIFENESIN

Section 790.2662 CODEINE PHOSPHATE; IODINATED GLYCEROL

DRUG

APPLICATION HOLDER,
MANUFACTURER

Codeine Phosphate;
Guafenesin

Brand(s)
Robitussin AC
Guafatuss AC

syr 10mg/5ml; 100mg/5ml
syr 10mg/5ml; 100mg/5ml

Halsey
HR Cenci

AH Robins
National Pharm/Barre

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.2661 CODEINE PHOSPHATE; GUAIFENESIN; PSEUDOEPHEDRINE HYDROCHLORIDE

DRUG

APPLICATION HOLDER,
MANUFACTURER

Codeine Phosphate;
Guafenesin;
Pseudoephedrine
Hydrochloride

Brand(s)

syr 10mg/5ml; 100mg/5ml;
30mg/5ml

syr 10mg/5ml; 100mg/5ml;
30mg/5ml

National Pharm/Barre

Pharmaceutical Basics

syr 10mg/5ml; 100mg/5ml;
30mg/5ml

syr 10mg/5ml; 100mg/5ml;
30mg/5ml

Hauck

Merrell Dow

syr 10mg/5ml; 100mg/5ml;
30mg/5ml

syr 10mg/5ml; 100mg/5ml;
30mg/5ml

AH Robins

Robitussin DAC Syrup

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

DRUG

Codeine Phosphate;
Iodinated Glycerol

Brand(s)

Iotuss-C
Oridol C
Tussi Organidin
Tussi-R-Gen Expectorant

DOSAGE FORM, STRENGTH

liq 10mg/5ml; 30mg/5ml
liq 10mg/5ml; 30mg/5ml
liq 10mg/5ml; 30mg/5ml

APPLICATION HOLDER,
MANUFACTURER

Halsey
National Pharm/Barre
Pharmaceutical Basics

HR Cenci
LuChem
Wallace
Goldline

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.2740 CROTAMITON

DRUG

DOSAGE FORM, STRENGTH

Brands
Crotan
Eurax

lotion 10%
lotion 10%

APPLICATION HOLDER,
MANUFACTURER

Owen/Derm
Westwood Squibb

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.2820 CYCLOPENTOLATE HYDROCHLORIDE

DRUG

DOSAGE FORM, STRENGTH

Cyclopentolate
Hydrochloride

soln, opth 1%
soln, opth 1%
soln, opth 1%

Brand(s)

AK Pentolate
Cyclogyl
I-Pentolate
Pentolair

soln, opth 0.5, 1%
soln, opth 0.5, 1%
soln, opth 1%
soln, opth 0.5, 1%

APPLICATION HOLDER,
MANUFACTURER

Barnes-Hind
Norbrook Am
Steris

Akorn
Alcon
International Pharm Prod
Pharmafair

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.2908 DANAZOL (Repealed)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Danazone	cap-200mg	American Therapeutics
Brand(s)	cap-200mg	Winthrop/Steering

(Source: Repealed at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3020 DEXAMETHASONE SODIUM PHOSPHATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dexamethasone Sodium Phosphate	inj eq 4mg phosphate/ml	Bel-Mar
	inj eq 4mg phosphate/ml	Bristol/B-M
	inj eq 4mg phosphate/ml	Dell
	inj eq 4,10mg phosphate/ml	Elkins-Sinn/Robins
	inj eq 20mg phosphate/ml	IWS
	inj eq 4,10mg phosphate/ml	Kendall McGaw
	inj eq 4mg phosphate/ml	Lemmon
	inj eq 4mg phosphate/ml	Luitpold
	inj eq 4,10mg phosphate/ml	Lyphomed
	inj eq 4mg phosphate/ml	Norbrook Am
	inj eq 4,10,20,24mg phosphate/ml	Quad
	inj eq 4,10,24mg phosphate/ml	Steris
	inj eq 4mg phosphate/ml	Wyeth/AMHO
	soln, opth eq 0.1% phosphate	Barnes-Hind
	soln, opth-otic eq 0.1% phosphate	Norbrook Am
	soln, opth eq 0.1% phosphate	Steris
Brand(s)	inj eq 4mg phosphate/ml	Central Pharm
Dexacene-4	inj eq 4,24mg phosphate/ml	MSD/Merck
Decadron	inj eq 4,10,20mg phosphate/ml	Organon/Akzona
Hexadrol	oint, opth eq 0.05% phosphate	MSD/Merck
Decadron	oint, opth eq 0.05% phosphate	Pharmafair
Dexair	oint, opth eq 0.05% phosphate	

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Maxidex	oint, opth eq 0.05% phosphate	Alcon
AK-Dex	soln, opth eq 0.1% phosphate	Akorn
Decadron	soln, opth-otic eq 0.1% phosphate	MSD/Merck
Dexair	soln, opth eq 0.1% phosphate	Pharmafair

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3027 DEXTROMETHORPHAN HYDROBROMIDE; IODINATED GLYCEROL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dextromethorphan Hydrobromide; Iodinated Glycerol	liq 10mg/5ml; 30mg/5ml	Duramed
	liq 10mg/5ml; 30mg/5ml	Halsey
	liq 10mg/5ml; 30mg/5ml	Luchem
	liq 10mg/5ml; 30mg/5ml	National Pharm/Barre
	liq 10mg/5ml; 30mg/5ml	Pharmaceutical Basics
Brand(s)	liq 10mg/5ml; 30mg/5ml	HiTech Pharmacal
Logan DM	liq 10mg/5ml; 30mg/5ml	HR Cenci
Lotuss DM	liq 10mg/5ml; 30mg/5ml	Organon/Akzona
Tussi-Organidin DM	liq 10mg/5ml; 30mg/5ml	

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3220 DIGOXIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Digoxin	elixir, 0.05mg/ml*	Halsey
	elixir, 0.05mg/ml*	Pharmafair
	elixir, 0.05mg/ml*	Roxane
	inj 0.25mg/ml	Elkins-Sinn/Robins
	inj 0.25mg/ml	Lyphomed
	inj 0.25mg/ml	Wyeth Ayerst/AMHO
Brand(s)	elixir, 0.05mg/ml*	Burroughs Wellcome
Lanoxin Pediatric	elixir, 0.05mg/ml*	

Lanoxin

inj 0.25mg/ml

Burroughs We'll come

This dosage form was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3308 DIPYRIDAMOLE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Dipyridamole	tab 25,50,75mg	Barr
	tab 25,50,75mg	Cord
	tab 25,50,75mg	Geneva Generics
	tab 25,50,75mg	Lederle/Am Cyanamid
	tab 25,50,75mg	Purepac/Kalipharma
	tab 25,50,75mg	Sidmak
Brand(s)		Boehringer-Ingelheim
Persantine	tab 25,50,75mg	

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3340 DOXEPIN HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Doxepin Hydrochloride	cap eq 25, 50, 75, 100mg base	Barr
	cap eq 10, 25, 50, 75, 100, 150mg base	Chelsea
	cap eq 10, 25, 50, 75, 100mg base	Cord
	cap eq 10, 25, 50, 75, 100mg base	Danbury
	cap eq 10, 25, 50, 75, 100, 150mg base	Lederle/Am Cyanamid
	cap eq 10, 25, 50, 75, 100mg base	Mylan
	cap eq 10, 25, 50, 75, 100, 150mg base	Par
	cap eq 10, 25, 50, 75, 100, 150mg base	Purepac/Kalipharma
	<u>cap eq 10, 25, 50mg base</u> <u>conc eq 10mg base/ml</u> <u>conc eq 10mg base/ml</u>	<u>Royce</u> <u>Copley</u> Pharmaceutical Bas

Brand(s)

cap eq 10,25,50,75, Pennwalt

Pennwalt

Sinequan

cap eq 10, 25, 50, 75.

Pfizer

Sinequan

100mg base
conc eq 10mg base/ml

Pfizer

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3420 DOXYCYCLINE HYCLATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Doxycycline Hyclate	cap	Barr
	cap	Chelsea
	cap	Danbury
	cap	Halsey
	cap	Heather
	cap	Interpharm
	cap	Mutual
	cap	Mylan
	cap	Par
	cap	Parke-Davis/W-L
Doxycycline Hyclate	cap	Private Formulations
	cap	Purepac/KaliPharma
	cap	Superpharm
	cap	West-Ward
	cap	Zenith
	inj eq 100,200mg base/vial	Ben Venue
	inj eq 100,200mg base/vial	Elkins-Sinn
	inj eq 100,200mg base/vial	Lederle/Am Cyanamid
	inj eq 100,200mg base/vial	Quad
	tab	Barr
Doxycycline Hyclate	tab	Chelsea
	tab	Danbury
	tab	Heather
	tab	Interpharm
	tab	Medicopharma
	tab	Mutual
	tab	Mylan
	tab	Parke-Davis/W-L
	tab	Superpharm
	tab	Zenith
Doxycycline Hyclate	cap	Lemmon
	cap	Rachelle

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DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Vibramycin	cap, coated pellets	Pfizer
Doryx	cap, coated pellets	Faulding
Doryx	cap, coated pellets	Parke-Davis/W-L
Doxy 100,200	inj eq 100,200mg base/vial	Lyphomed
Doxychel Hyclate	inj eq 100mg base/vial	Rachelle
Vibramycin	inj eq 100,200mg base/vial	Pfizer
Doxy-Lemmon	tab	Lemmon
Doxy-Tabs	tab	Rachelle
Vibra-Tabs	tab	Pfizer

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3540 ERGOLOID MESYLATES
(DIHYDROERGOTOXINE METHANESULFONATE)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Ergoloid Mesylates (Dihydroergotoxine Methanesulfonate)	tab, oral 1.0mg	Barr
	tab, oral 1.0mg	Bolar
	tab, oral 1.0mg	Gkesea
	tab, oral 1.0mg	Danbury
	tab, oral 1.0mg	Barr
	tab, sub1 0.5,1.0mg	Bolar
	tab, sub1 0.5,1.0mg	Danbury
	tab, sub1 0.5,1.0mg	KV Pharmaceutical
	tab, sub1 0.5,1.0mg	Lederle/Am Cyanamid
	tab, sub1 0.5,1.0mg	Superpharm
	tab, sub1 0.5,1.0mg	Zenith
	tab, oral 1.0mg	Sandoz
	tab, sub1 0.5,1.0mg	Vitarine
	tab, sub1 0.5,1.0mg	Riker/3-M
	tab, sub1 1.0mg	Mead-Johnson
	tab, sub1 0.5,1.0mg	Chelsea
	tab, sub1 0.5,1.0mg	(Vanguard/MMM)
	tab, sub1 0.5,1.0mg	Sandoz

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3620 ERYTHROMYCIN

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Erythromycin	cap, enteric coated* pellets 250mg	Abbott

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Brand(s)	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Eryc Sprinkles*	cap, enteric coated pellets 250mg	American Therapeutics
Eryc 125*	cap, enteric coated* pellets 250mg	Barr
Eryc*	oint, ophth 5mg/gm	Altana/Fougera/ Pharmaderm
	oint, ophth 5mg/gm	Pharmafair
	soln, top 2%	Clay Park
	soln, top 2%	Lilly
	soln, top 2%	Naska
	soln, top 1.5,2%	National Pharm/Barre
	soln, top 2%	Pharmaceutical Basics
	soln, top 1.5,2%	Pharmafair
	cap, enteric coated pellets 125mg	Faulding
	cap, enteric coated pellets 125mg	Parke-Davis/W-L
	cap, enteric coated pellets 125mg	Parke-Davis/W-L
	oint, ophth 5mg/gm	Lilly/Dista
	soln, top 2%	Hoechst-Roussel
	soln, top 2%	Syosset
	soln, top 2%	Paddock
	soln, top 2%	Abbott
	soln, top 2%	Herbert/Allergan
	soln, top 2%	Owen
	soln, top 1.5%	Westwood Squibb
	soln, top 2%	Westwood Squibb
	swab 2%	Ortho
	swab 2%	Westwood Squibb
	tab, enteric coated 333,500mg	Barr
	tab, enteric coated 250,333mg	Boots
	tab, enteric coated 250,333,500mg	Abbott
	tab, enteric coated 250mg	Dista/Lilly
	tab, enteric coated 250mg	Robins
	tab, enteric coated 250mg	Robimycin*

*Erythromycin enteric coated tablets and capsules containing enteric coated pellets were admitted to the Illinois Formulary as exceptions to the promulgated criteria and were approved by a majority vote of the Technical Advisory Council, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3945 FLUOCINONIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Erythromycin Ethylsuccinate; Sulfisoxazole Acetyl Brand(s)	susp 200mg/5ml; 600mg/5ml	Barr
Eryzote pediazole	susp-200mg/5ml; 600mg/5ml susp 200mg/5ml; 600mg/5ml	Alwa Ross/Abbott

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.3910 FENOPROFEN CALCIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Fenoprofen Calcium	cap 200,300mg	American Therapeutics
	cap 200,300mg	Cord
	cap 200,300mg	Halsey
	cap 200,300mg	Par
	cap 200,300mg	Watson
	tab 600mg	American Therapeutics
	tab 600mg	Chelsea
	tab 600mg	Cord
	tab 600mg	Danbury
	tab 600mg	Duramed
	tab 600mg	Halsey
	tab 600mg	Lederle/Am Cyanamid
	tab 600mg	Mutual
	tab 600mg	MyTan
	tab 600mg	Par
	tab 600mg	Pharmaceutical Basics
	tab 600mg	Purepac/Kalipharma
	tab 600mg	Quantum
	tab 600mg	Watson
	tab 600mg	Zentiv
Br and (s)	cap 200,300mg	Lilly/Dista
	tab 600mg	Lilly/Dista
Nalfon		
Nalfon		

Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

DRUG	DOSAGE FORM, STRENGTH	MANUFACTURER
Fluocinonide	cream 0.05%	Clay-Park
	cream 0.05%	Lemmon
	cream 0.05%	Thames
	gel 0.05%	Lemmon
	top soln, 0.05%	Copley
	top soln, 0.05%	Lemmon
	top soln, 0.05%	National Pharm/Barre
	top soln, 0.05%	Thames
Brand(s)		
Lidex	cream 0.05%	Syntex
Lidex-E	cream 0.05%	Syntex
Vasoderm	cream 0.05%	Taro
Vasoderm E	cream 0.05%	Tican Pharm
Lidex	gel 0.05%	Syntex
Lidex	top soln, 0.05%	Syntex

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.4140 GENTAMICIN SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Gentamicin Sulfate	cream eq 1mg base/gm	Clay-Park
	cream eq 1mg base/gm	Fougere/Pharmaderm/ Altana
	cream eq 1mg base/gm	NMC
	cream eq 1mg base/gm	Thames
	inj eq 10.40mg base/ml	Elkins-Sinn/Robins
	inj eq 40mg base/ml	IMS
	inj eq 40mg base/ml	Kalapharma
	inj eq 10.40mg base/ml	LypoMed
	inj eq 40mg base/ml	Pharmaceutical Spec
	inj eq 10.40mg base/ml	Solopak
	inj eq 10.40mg base/ml	Steris
	inj eq 10.40mg base/ml	Wyeth Ayerst/AMHO
	oint eq 1mg base/gm	Clay-Park
	oint eq 1mg base/gm	Fougere/Altana
	oint eq 1mg base/gm	NMC
	oint eq 1mg base/gm	Pharmaderm/Altana
	oint eq 1mg base/gm	Thames

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Brand(s)				
Garamycin	sol'n, opnth eq to 3mg base/ml	Alcon		
Gentafair	sol'n, opnth eq 3mg base/ml	Norbrook Am		
Apogen	sol'n, opnth eq 3mg base/ml	Paco Research		
Bristagen	sol'n, opnth eq 3mg base/ml	Steris		
Garamycin	cream eq 1mg base/gm	Schering		
Gentafair	cream eq 1mg base/gm	Pharmafair		
U-Gencin	inj eq 10.40mg base/ml	Beecham		
Garamycin	inj eq 10.40mg base/ml	Bristol/B-M		
Gentafair	inj eq 10.40mg base/ml	Schering		
Gentacidin	inj eq 10.40mg base/ml	Pharmafair		
AK-Gentak	oint eq 1mg base/gm	Upjohn		
Garamycin	oint eq 1mg base/gm	Schering		
Gentafair	oint eq 1mg base/gm	Pharmafair		
Gentacidin	oint, opnth eq 3mg base/gm	Schering		
AK-Gentak	oint, opnth eq 3mg base/gm	Iolab		
Garamycin	sol'n, opnth eq to 3mg base/ml	Pharmafair		
Genoptic	sol'n, opnth eq to 3mg base/ml	Akorn		
Gentacidin	sol'n, opnth eq to 3mg base/ml	Schering		
Gentafair	sol'n, opnth eq to 3mg base/ml	Allergan		
	sol'n, opnth eq to 3mg base/ml	Iolab		
	sol'n, opnth eq to 3mg base/ml	Pharmafair		
(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)				
Section 790.4385 GUAIFENESIN; THEOPHYLLINE				
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER		
Guaifenesin;	liq 90mg/15ml; 150mg/15ml	Central		
Theophylline	liq 90mg/15ml; 150mg/15ml	Forest		
	liq 90mg/15ml; 150mg/15ml	Geneva Generics		
	liq 90mg/15ml; 150mg/15ml	Alaska		
	liq 90mg/15ml; 150mg/15ml	National Pharm/Barre		
	liq 90mg/15ml; 150mg/15ml	Rorer		

Brand(s)				
Quibron	liq 90mg/15ml; 150mg/15ml	Bristol Myers		
This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.				
(Source: Added at 15 Ill. Reg. 18697, effective December 13, 1991)				
Section 790.4667 HYDROCHLOROTHIAZIDE; LISINAPRIL				
DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER		
Prinzide 12.5*	tab 12.5mg; 20mg	Merck/MSD		
Zestoretic 20/12.5	tab 12.5mg; 20mg	Imperial Chem		
Prinzide 25*	tab 25mg; 20mg	Merck/MSD		
Zestoretic 20/25	tab 25mg; 20mg	Imperial Chem		
*Products manufactured by this brand name manufacturer in this drug entity are available for drug product selection under other brand and/or generic names.				

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.4725 HYDROCODONE BITARTRATE; PHENYLPROPANOLAMINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER		
Hydrocodone Bitartrate;	syr 2.5mg/5ml; 12.5mg/5ml	Halsey		
Phenylpropanolamine Hydrochloride	syr 5mg/5ml; 25mg/5ml	Halsey		
Brand(s)	syr 5mg/5ml; 25mg/5ml	Pharmaceutical Basics		
Hycophen Pediatric Syrup	syr 2.5mg/5ml; 12.5mg/5ml	HR Cenci		
Hycophen Pediatric Syrup	syr 2.5mg/5ml; 12.5mg/5ml	DuPont		
Codamine Syrup	syr 5mg/5ml; 25mg/5ml	National Pharm/Barre		
Hycophen Syrup	syr 5mg/5ml; 25mg/5ml	HR Cenci		
Hycophen Syrup	syr 5mg/5ml; 25mg/5ml	DuPont		
Propachem Syrup	syr 5mg/5ml; 25mg/5ml	LuChem		

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.4740 HYDROCORTISONE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Hydrocortisone	cream 0.5,1% cream 1,2.5% cream 0.5,1,2.5% cream 0.5,1,2.5% cream 1% cream 2.5%	Altana Ambix/Organics Biocraft Clay-Park Everylife Fougere/Pharmaderm/ Altana G & W Lab Ingram Lemmon MNC Labs Naska Pharmaceutical Basics Pharmaderm/Altana Pharmafair Stanlabs/Simpak Thames Topiderm Towne Paulsen Clay-Park Mericon Naska National Pharm/Barre Thames Altana Ambix/Organics Carolina Medical Clay-Park Naska Pharmaceutical Basics Pharmaderm/Altana Thames
	cream 1% cream 0.5,1% cream 1% cream 2.5% cream 1,2.5% cream 1,2.5% cream 1,2.5% cream 1% cream 0.5,1% cream 0.5,1,2.5% cream 1% lotion 0.5,1% lotion 0.5% lotion 1% lotion 0.5,1% lotion 1% ointment 0.5,1% ointment 1,2.5% ointment 1% ointment 0.5,1,2.5% ointment 1% ointment 1,2.5% ointment 1% ointment 0.5,1,2.5%	Del-Ray Pakke-Davis/M-L Miles Reid-Rowell Thames Westwood Squibb Pharm Assoc/Beach C & M Miles

Brand(s)
Ala-Cort
Anusol-H6
Cort-Dome
Dermacort
Dermatol HC
Flexicort
H Cort
HC
HC #1

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HC #4	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
HiCor Hydrotex Hymac Hytone Nutracort Penecort Proctocort Synacort Nutracort Penecort Acticort Ala-Cort Balneol-HC Beta-HC Cetacort Cort-Dome Dermacort Epicort Glycort Hytone Nutracort Stie-Cort Texacort Cortril HC Hymac Hytone Penecort Texacort	cream 1% cream 2.5% cream 0.5,1% cream 1% cream 1,2.5% cream 0.5,1% cream 1,2.5% cream 0.5% cream 0.5,1,2.5% gel 1% gel 1% lotion 1% lotion 1% lotion 1% lotion 1% lotion 0.5,1% lotion 0.5,1% lotion 0.5,1% lotion 0.5% lotion 1% lotion 1,2.5% lotion 0.5,1,2.5% lotion 1,2.5% lotion 1% ointment 1,2.5% ointment 0.5,1% ointment 1% ointment 1,2.5% ointment 2.5% soln, top 1% soln, top 1%	Miles C & M Syosett MNC Dermik/Rorer Owen/Derm Herbert/Allergan Reid-Rowell Syntex Owen/Derm Herbert/Allergan Key Del-Ray Reid-Rowell Beta Pharmaceuticals Owen/Derm Miles Reid-Rowell Bluline Heran Dermik/Rorer Owen/Derm Stiefel Coopercare Pfipharmecs/Pfizer C & M MNC Dermik/Rorer Herbert/Allergan Herbert/Allergan Genderm

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.4940 HYDROCORTISONE ACETATE; NEOMYCIN SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
AK-Neocort Cor-Oticin Neo-Cortef	susp, ophth 1.5%; eq 3.5mg base/ml susp, ophth 1.5%; eq. 3.5mg base/ml susp, ophth 1.5%; eq. 3.5mg base/ml	Akorn Norbrook Am Upjohn

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.5320 IODINATED GLYCEROL

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Iodinated Glycerol	liq 60mg/5ml (30mg organically bound iodine)	Halsey
	liq 60mg/5ml (30mg organically bound iodine)	National Pharm/Barre
	liq 60mg/5ml (30mg organically bound iodine)	Pharmaceutical Basics
	soln 50mg/ml (25mg organically bound iodine)	National Pharm/Barre
Brand(s)		
Iogan	liq 60mg/5ml (30mg organically bound iodine)	HiTech Pharmacal
Iotuss	liq 60mg/5ml (30mg organically bound iodine)	HR Cenci
Organidin	liq 60mg/5ml (30mg organically bound iodine)	Wallace
Iogan Soln	soln 50mg/ml (25mg organically bound iodine)	HiTech Pharmacal
Iotuss Soln	soln 50mg/ml (25mg organically bound iodine)	HR Cenci
Organidin Drops	soln 50mg/ml (25mg organically bound iodine)	Wallace

This entity was reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.5540 LACTULOSE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Lactulose	syr 10gm/15ml syr 10gm/15ml syr 10gm/15ml	Kali Duphar Pharmaceutical Basics Roxane
Brand(s)		
Cephulac	syr 10gm/15ml syr 10gm/15ml	Merrell-Dow Atpa
Chronolac	syr 10gm/15ml syr 10gm/15ml	Merrell-Dow Atpa
Constulose	syr 10gm/15ml syr 10gm/15ml	National Pharm/Barre Reid-Rowell
Duphalac	syr 10gm/15ml syr 10gm/15ml	National Pharm/Barre Pharmaceutical Basics
Enulose	syr 10gm/15ml syr 10gm/15ml	Reid-Rowell Pharmaceutical Basics
Generlac	syr 10gm/15ml	Reid-Rowell
Portalac	syr 10gm/15ml	Reid-Rowell

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.5740 LITHIUM CARBONATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Lithium Carbonate	cap 300mg cap 300mg cap 300mg @ tab 300mg tab 300mg	Bolar Pharmaceutical-Basies Roxane Roerig/Pfizer Roxane
Brand(s)		
Eskalith	cap 300mg	SKF
Lithonate	cap 300mg	Reid-Rowell
Eskalith	tab 300mg	SKF
Lithane	tab 300mg	Miles
Lithotabs	tab 300mg	Reid-Rowell

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.5792 LORAZEPAM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Lorazepam	tab 0.5, 1, 2mg	Barr

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tab 0.5, 1, 2mg	Cord
tab 0.5, 1, 2mg	Danbury
tab 0.5, 1, 2mg	Halsey
tab 0.5, 1, 2mg	Mutual
tab 0.5, 1, 2mg	MyTan
tab 0.5, 1, 2mg	Par
tab 1, 2mg	Pharmaceutical Basics
tab 0.5, 1, 2mg	Purepac/Kalipharma
tab 0.5, 1, 2mg	Superpharm
tab 1, 2mg	Warner Chilcott/W-L
tab 0.5, 1, 2mg	Watson
Brand(s)	
tab 0.5, 1, 2mg	Wyeth Ayerst/AMHO
tab 0.5, 1, 2mg	Quantum

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.5830 MECLOFENAMATE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Meclofenamate Sodium	cap-eq 50, 100mg-base	American-Therapeutics
	cap eq 50, 100mg base	Barr
	cap eq 50, 100mg base	Bolar
	@ cap eq 50, 100mg base	Chelsea
	cap eq 50, 100mg base	Cord
	cap eq 50, 100mg base	Danbury
	cap eq 50, 100mg base	MyTan
	cap eq 50, 100mg base	Par
	cap eq 50, 100mg base	Pharmaceutical Basics
	cap eq 50, 100mg base	Quantum
	cap eq 50, 100mg base	Parke-Davis/W-L
Brand(s)		
Meclofen	cap eq 50, 100mg base	

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.5840 MEGESTROL ACETATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Megestrol Acetate	tab-20, 40mg	Gotmed
	tab 20, 40mg	Par
	tab-20, 40mg	Pharmaceutical-Basics
Brand(s)		
Megace	tab 20, 40mg	Mead Johnson/B-M

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.5940 METAPROTERENOL SULFATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Metaproterenol Sulfate	soln for inh 0.4, 0.6%	Armour Pharmaceutical
	soln for inh 0.4, 0.6, 5%	Dey Labs
	soln for inh 0.4, 0.6%	Paco Research
	soln for inh 5%	Pharmaceutical Basics
	soln for inh 5%	Pharmaceutical Basics
	soln for inh 5%	American Therapeutics
	soln 10mg/5ml	Biocraft
	tab 10, 20mg	Danbury
	tab 10, 20mg	Par
	tab 10, 20mg	Pharmaceutical-Basics
	tab 10, 20mg	Boehringer Ingelheim
	soln for inh 5%	Dey Labs
	soln for inh 0.4, 0.6%	Boehringer Ingelheim
	soln for inh 0.4, 0.6%	Muro
	soln 10mg/5ml	Boehringer Ingelheim
	soln 10mg/5ml	Boehringer Ingelheim
	tab 10, 20mg	Boehringer Ingelheim

Brand(s)

Alupent*	soln for inh 0.4, 0.6, 5%	Boehringer Ingelheim
Dey-Dose	soln for inh 5%	Dey Labs
Dey-Lute	soln for inh 0.4, 0.6%	Dey Labs
Alupent*	soln for inh 0.4, 0.6%	Boehringer Ingelheim
Prometa	soln 10mg/5ml	Muro
Alupent*	soln 10mg/5ml	Boehringer Ingelheim

*Products manufactured by this brand name manufacturer in this drug entity are available for drug product selection under other brand and/or generic names.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.6020 METHIDILAZINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Methidilazine Hydrochloride	soln 4mg/5ml	National Pharm/Barre
Brand(s)		
Tacaryl	soln 4mg/5ml	Westwood Squibb

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.6180 METHOTREXATE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Methotrexate Sodium	inj eq 25mg base/ml	Adria

Section 790.6875 OXAZEPAM

DRUG	DOSAGE FORM, STRENGTH	Brand (s)
Oxazepam	cap 10, 15, 30mg	Serax Serax
	cap 10, 15, 30mg	
	cap 10, 15, 30mg	
	cap 10, 15, 30mg	
	cap 10, 15, 30mg	
	cap 10, 15, 30mg	
	tab 15mg	
	tab 15mg	
Serax	cap 10, 15, 30mg	Serax Serax
	tab 15mg	

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7245 PILOCARPINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Pilocarpine	sol'n, opth 0.5, 1, 2, 4%	Optotics
<u>Hydrochloride</u>	sol'n, opth 1, 2, 4, 6%	Paco
	sol'n, opth 0.5, 1, 2, 4, 6%	<u>Pharmafair</u>
Brand(s)		
Adorbocarpine	sol'n, opth 1, 2, 4, 8%	Alcon
Akarpine	sol'n, opth 1, 2, 3, 4%	Akorn
Isopto Carpine	sol'n, opth 0.5, 1, 2, 3, 4, 6, 8, 10%	Alcon
Pilocar	sol'n, opth 0.5, 1, 2, 4, 6%	Iolab

(Source: Added at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7278 POTASSIUM BICARBONATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Potassium Bicarbonate	tab, effervescent 25mEq	Bajamar Chemical Company
	tab, effervescent 25mEq	Copley

Brand(s)	tab, effervescent 25mEq tab, effervescent-25mEq tab, effervescent 25mEq tab, effervescent 25mEq	Nomax Alpa CFH Laboratories Mead Johnson/B-M
Effer-K		
K-Gate		
Klor-Con EF		
K-Lyte		

Effervescent Potassium Bicarbonate tablets for oral solution were reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7280 POTASSIUM CHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Potassium Chloride	cap, extended release, 10mEq	KV Pharm
	inj 1, 2mEq/ml	Abbott
	inj 1, 2, 3, 4mEq/ml	Cutter
	inj 2mEq/ml	Elkins-Sinn/Robins
	inj 2mEq/ml	IMS
	inj 1, 2, 3, 4mEq/ml	Kendall McGaw
	inj 2, 3mEq/ml	Lemmon
	inj 2mEq/ml	Lilly
	inj 2, 3mEq/ml	LypoMed
	inj 2mEq/ml	Natcon
	inj 2mEq/ml	Norbrook Am
@	inj 2, 3mEq/ml	Searle
	inj 2mEq/ml	Steris
	inj 2mEq/ml	Torigian
	inj 2mEq/ml	Travenol
	pwr, 20mEq/pkt	Bajamar Chemical Company
	pwr, 20mEq/pkt	Copley
	soln 1500mg/15ml (20mEq/15ml, 10%)	Halsey
	soln 1500mg/15ml	Naska
(sugar free)	(20mEq/15ml, 10%)	Naska
	soln 3000mg/15ml (40mEq/15ml, 20%)	Pharmaceutical Basics
(sugar free)	soln 1500mg/15ml (20mEq/15ml, 10%)	Pharmaceutical Basics
	soln 1500mg/15ml	Pharmaceutical Basics
(sugar free)	(20mEq/15ml, 10%)	
	soln 3000mg/15ml (40mEq/15ml, 20%)	

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Brand(s)	tab, extended release 8mEq (600mg)	Copley
K Lease	cap, extended release 10mEq (750mg)	Adria
Micro K	cap, extended release 10mEq (750mg)	AH Robins
Gen-K	cap, extended release 10mEq (750mg)	Howard Foods/ USA American
K+Gare	cap, extended release 10mEq (750mg)	Alfa
K-Lor	cap, extended release 10mEq (750mg)	Abbott
Kato	cap, extended release 10mEq (750mg)	ICN Pharms
Kay Ciel	cap, extended release 10mEq (750mg)	Forest/Inwood
Klor-Con	cap, extended release 10mEq (750mg)	Upsher-Smith
Cena-K	cap, extended release 10mEq (750mg)	Century
EM-K-10%	cap, extended release 10mEq (750mg)	Econo Med
Kaochlor 10%	cap, extended release 10mEq (750mg)	Adria
Kaochlor SF	cap, extended release 10mEq (750mg)	Adria
Kay Ciel	cap, extended release 10mEq (750mg)	Forest/Inwood
Klor-10%	cap, extended release 10mEq (750mg)	Upsher-Smith
Klorvess 10%	cap, extended release 10mEq (750mg)	Sandoz
Potsalan	cap, extended release 10mEq (750mg)	Adria
Kaon-CI 20%	cap, extended release 10mEq (750mg)	Adria
Klor Con 20%	cap, extended release 10mEq (750mg)	Upsher-Smith
Stow-K	cap, extended release 10mEq (750mg)	Ciba/Geigy

Products containing sugar shall not be interchanged with sugar free products without verification of the diabetic status of the patient.

Some oral Potassium Chloride solutions, powders for solutions and extended release capsules were reviewed by the Technical Advisory Council and admitted to the Illinois Formulary as an exception to the promulgated criteria for inclusion, pursuant to Section 790.60.

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7294 PRAZEPAM (Repealed)

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Prazepam	cap-5, 10mg	Pharmaceutical-Basies
Genpak	cap-5, 10mg	Parke-Davis/W-L

(Source: Repealed at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7340 PREDNISOLONE ACETATE; SULFACETAMIDE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Prednisolone Acetate; Sulfacetamide Sodium	susp, opth 0.2%; 10%	Pharmafair
Predsulfar	oint, opth 0.5%; 10%	Pharmafair
Vasocidin	oint, opth 0.5%; 10%	Iolab
Blephamide	susp, opth 0.2%; 10%	Allergan
AK-Cide	susp, opth 0.5%; 10%	Akorn
Metimyd	susp, opth 0.5%; 10%	Schering
Predamide	susp, opth 0.5%; 10%	Norbrook Am
Predsulfar	susp, opth 0.5%; 10%	Pharmafair
Sulphrin	susp, opth 0.5%; 10%	Bausch & Lomb

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7380 PREDNISOLONE SODIUM PHOSPHATE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Prednisolone Sodium Phosphate	inj eq 20mg phosphate/ml soln, opth 0.125, 1% (eq 0.11%, 0.9% phosphate)	Steris
Brand(s)	soln, opth 0.125, 1% (eq 0.11%, 0.9% phosphate)	Barnes-Hind
Hydeltrasol	soln, opth 0.125, 1% (eq 0.11%, 0.9% phosphate)	Norbrook Am
AK-Pred	soln, opth 0.125, 1% (eq 0.11%, 0.9% phosphate)	MSD/Merck
Inflamase	soln, opth 0.125, 1% (eq 0.11%, 0.9% phosphate)	Akorn
	soln, opth 0.125, 1% (eq 0.11%, 0.9% phosphate)	Iolab

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Inflamase Forte	soln, opnth 1% (eq 0.9% phosphate)	Iolab
Predair	soln, opnth 0.125% (eq 0.11% phosphate)	Pharmafair
Predair Forte	soln, opnth 1% (eq 0.9% phosphate)	Pharmafair

Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.7828 PROPRANOLOL HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Propranolol Hydrochloride	cap, extended release 60, 80, 120, 160mg	Inwood
	inj 1mg/ml	Solopak
	oral soln 20mg/5ml	Pharmaceutical Basics
	oral soln 40mg/5ml	Pharmaceutical Basics
	oral soln 20mg/5ml	Roxane
	tab 10, 20, 40, 60, 80mg	Roxane
	tab 10, 20, 40, 60, 80mg	Barr
	tab 10, 20, 40, 60, 80mg	Bolar
	tab 10, 20, 40, 60, 80mg	Chelsea
	tab 10, 20, 40, 60, 80mg	Cord
	tab 10, 20, 40, 60, 80, 90mg	Danbury
	tab 10, 20, 40, 60, 80, 90mg	Duramed
	tab 10, 20, 40, 80mg	Interpharm
	tab 10, 20, 40, 60, 80, 90mg	Invamed
	tab 10, 20, 40, 60, 80, 90mg	Lederle/Am Cyanamid
	tab 10, 20, 40mg	Lemmon
	tab 10, 20, 40, 60, 80mg	Martec
	tab 10, 20, 40, 60, 80mg	Mylan
	tab 10, 20, 40, 60, 80, 90mg	Par
	tab 10, 20, 40, 60, 80mg	Parke-Davis/W-L
Brand(s) Inderal LA Inderal Inderal	tab 10, 20, 40, 60, 80mg	Purepac/Kalipharma
	tab 10, 20, 40, 60, 80, 90mg	Roxane
	tab 10, 20, 40, 60, 80, 90mg	Sidmak
	tab 10, 20, 40, 60, 80, 90mg	Sterling
	tab 10, 20, 40, 80mg	Superpharm
	tab 10, 20, 40, 60, 80, 90mg	Watson
	tab 10, 20, 40, 60, 80mg	Zenith
	cap, extended release, 60, 80, 120, 160mg	Wyeth Ayerst/AMHO
	inj 1mg/ml	Wyeth Ayerst/AMHO
	tab 10, 20, 40, 60, 80, 90mg	Wyeth Ayerst/AMHO

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

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Section 790.8106 RITODRINE HYDROCHLORIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Ritodrine Hydrochloride	inj 10, 15mg/ml	Abbott
	inj 10, 15mg/ml	Lyphomed
	inj 10, 15mg/ml	Quad
Brand(s)		
Yutopar	inj 10, 15mg/ml	Yutopar

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.8140 SELENIUM SULFIDE

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Selenium Sulfide	lotion/Shampoo 2.5%	Clay Park
	<u>lotion/Shampoo 2.5%</u>	National Pharm/Barre
	lotion/Shampoo 2.5%	Pharmaceutical Basics
	lotion/Shampoo 2.5%	Syosset
	lotion/shampoo 2.5%	Thames
Brand(s)		
Exsel	lotion/shampoo 2.5%	Herbert/Allergan
Selsun	lotion/shampoo 2.5%	Abbott

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.8420 SULFACETAMIDE SODIUM

DRUG	DOSAGE FORM, STRENGTH	APPLICATION HOLDER, MANUFACTURER
Sodium Sulfacetamide	oint, ophth 10%	Fougera/Altana
	soln, ophth 10%, 30%	Barnes-Hind
	soln, ophth 10%, 15%, 30%	Norbrook Am
	soln, ophth 10%, 30%	Steris
Brand(s)		
Bleph-10	oint, ophth 10%	Allergan
Cetamide	oint, ophth 10%	Alcon
Sodium Sulamyd	oint, ophth 10%	Schering
Sulfair 10	oint, ophth 10%	Pharmafair
AK-Sulf	soln, ophth 10%	Akorn
Bleph-10	soln, ophth 10%	Allergan
Bleph-30	soln, ophth 30%	Allergan

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Section 790.9320 TRIMIPRAMINE MALEATE (Repealed)

5165

DOSEAGE-FORM; -STRENGTH

Taxation - May 1986

cap-eq-25-50-100mg-base

$$\text{Band}(s)$$

Case-09-25-0000

Supernatant

cap-ep-25-50-100mg-base

(Source: Repealed at 15 Ill. Reg. 18697, effective December 13, 1991)

Section 790.9460 TROPICAMIDE

DRUG

DOSAGE FORM, STRENGTH

Tropicamide

soln, phth 0.5%	Norbrook Am
soln, phth 0.5, 1%	Optics
soln, phth 0.5, 1%	Steris

Brand(s)

I-Picamide soln, opth 1%
Mydrafair soln, opth 0.5, 1%
Mydriacil soln, opth 0.5, 1%
Tropicacyl soln, opth 0.5, 1%

International Pharm Prod
Pharmafair
Alcon
Akorn

(Source: Amended at 15 Ill. Reg. 18697, effective December 13, 1991)

- 1) Heading of the Part: Client Financial Participation
- 2) Code Citation: 89 Ill. Adm. Code 562
- 3) Section Numbers: Adopted Action:
562.20 Amendments
562.30 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a),(b), and (k)).
- 5) Effective Date of Rule(s) (Amendments, Repealer): December 17, 1991
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: December 12, 1991
- 9) Notice of Proposal Published in Illinois Register:
August 9, 1991, 15 Ill. Reg. 11399
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
A) Statement of Objection: (issue date), Ill. Reg. ____
B) Agency Response: (issue date), Ill. Reg. ____
C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version:
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

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- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

- 15) Summary and Purpose of Rule(s): The amendment clarifies that recipients and dependents of recipients of state of federal welfare programs are exempt from the economic need test and that verification or recipient status must be attached to the Financial Analysis Form. This amendment also requires that a copy of the page from the latest federal income tax return showing adjusted gross income must be attached to the Analysis form, and specifies the unusual allowable expenses, as well as increases the Standard Budget Allowance.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Acting Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 562

CLIENT FINANCIAL PARTICIPATION

Section

- 562.10 General Applicability
562.20 Exclusions from Economic Needs Test
562.30 Financial Participation
562.40 Parental or Guardian Participation in Completing the Financial Analysis Form
562.50 Client Emancipation (Repealed)
562.60 Consideration of Settlements from Litigation or Other Sources
562.70 Refusal to Financially Participate
562.80 Timing of Financial Analysis
562.90 Annual Review of Financial Analysis
562.100 Exclusion for Public Aid Recipients (Repealed)
Table A Determination Table for Client Participation

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1989, ch. 23, pars. 3434(a), (b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8763, effective June 10, 1985; amended at 11 Ill. Reg. 4021, effective February 18, 1987; amended at 11 Ill. Reg. 15223, effective August 31, 1987; amended at 11 Ill. Reg. 19127, effective November 9, 1987; amended at 12 Ill. Reg. 20827, effective November 30, 1988; amended at 13 Ill. Reg. 2866, effective February 17, 1989; amended at 14 Ill. Reg. 1466, effective January 8, 1990; amended at 14 Ill. Reg. 18555, effective November 5, 1990; amended at 15 Ill. Reg. 10179, effective June 24, 1991; amended at 15 Ill. Reg. 18750, effective December 17, 1991

Section 562.20 Exclusions from Economic Needs Test

The economic needs test shall be presumptively met by clients who are recipients of benefits from state or federally aided welfare programs, e.g., such as Aid to Families with Dependent Children, Supplemental Security Income, or State and locally financed General Assistance programs, and food stamps. The economic needs test shall also be presumptively met by a dependent of a recipient of such benefits. DORS shall require proof that a

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client is a recipient, or dependent of a recipient, of such benefits. A copy of a check or award letter or food stamp book, as appropriate, from the Illinois Department of Public Aid, the Social Security Administration or General Assistance Office shall be attached to the Client's Financial Analysis (IL 488-0265).

(Source: Amended at 15 Ill. Reg. 18750, effective December 17, 1991)

Section 562.30 Financial Participation

- a) If the economic needs test has not been presumptively met, a financial analysis to evaluate the financial ability of the client, or client's family, to share in the purchase of vocational rehabilitation services shall be applied to all Department of Rehabilitation Services (DORS) services (as contained in 89 Ill. Adm. Code: Chapter IV, Subchapter b, "Vocational Rehabilitation" (VR)) except the following:

- 1) evaluation of rehabilitation potential, (although VR services other than diagnostic services provided during extended evaluation require application of the financial analysis),
- 2) counseling, guidance, referral and placement (89 Ill. Adm. Code 612),
- 3) interpreter, reader, attendant, and note taker services,
- 4) fees for work adjustment training (89 Ill. Adm. Code 530.130(c)), including the work/study component of the nine month hearing impaired pre-vocational program at Northern Illinois University,
- 5) fees for on-the-job training (OJT),
- 6) services provided through the supported employment program (89 Ill. Adm. Code 530.130(a)(2)(B)) (e.g., job coaching), and
- 7) "maintenance" (89 Ill. Adm. Code 602) and "other services" (89 Ill. Adm. Code 607) which are in support of an exempt service specified in subsections (a)(1) through (4) above.

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- b) When the financial analysis indicates that the client or spouse, or parents or guardians of minor children are able to financially participate in the client's program, their participation is required.
- c) The financial analysis is based upon net available income, which is the client's and/or family unit's total income, minus total outgo.
 - 1) Total income equals earned and unearned income plus any increases or decreases expected by the client for the twelve (12) months following completion of the Financial Analysis form (IL488-0265).
 - 2) Total outgo equals the Standard Budget Allowance plus unusual allowable expenses which the client expects to pay within the twelve (12) months following the completion of the Financial Analysis form.
 - 3) Net available income determines the dollar amount of client participation. (See Table A.)
 - 4) ---The client is not required to sell property; take-out-a-mortgage-or-liquidate-insurance policies; stocks/bonds; or E.D.'s; however, earnings from such investments are considered as available unearned income for completion of the financial analysis.
 - 45) The client is not required to use private monetary merit awards (e.g. scholarships), contributions and gifts which are unrestricted as to use.
- d) For the purposes of completing the Financial Analysis form, determining if economic need exists, and determining the amount of client participation, the following definitions/terms are applicable:
 - 1) The "Family Unit" refers to the client or spouse or parents or legal guardians of minor children, or other family members residing in the household who are designated as dependents on the client's, spouse's, or guardian's latest federal income tax return.

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2) "Income" utilizes the definition of gross adjusted income as used by the U.S. Internal Revenue Service (26 CFR 1.62-1(a), (1986)) and as documented by the client's (or client's family's) most recent federal income tax return. The rule incorporated by reference does not include any later amendments or revisions. A copy of the page from the most recent federal income tax return showing adjusted gross income shall be attached to the Client's Financial Analysis (IL 488-0265).

3) The "Standard Budget Allowance" (SBA) is the figure established by DORS to be a reasonable amount to cover all necessary expenses for a family unit of a specific size to maintain a modest standard of living.

4) "Unusual Allowable Expenses" are:

A) ---medical-expenses-(e-g---medical equipment-prescriptions)-related-to-the disability-of-the-client-or-the-disability-of other-members-of-the-family-unit-based-on information-provided-by-the-client,-and-which have-not-been-deducted-from-the-client's-most recent-federal-income-tax-return-or-paid-by any-other-source;

A) prescription medication(s) to treat a physical/mental condition on an ongoing basis. Only those costs exceeding \$100 per year, paid by the client and not covered by insurance or other sources, are allowable;

B) medically prescribed diets required to treat a physical condition. Only the costs of dietary foods not found in a grocery store are allowable;

C) costs of disability related medical supplies and prescribed medical services paid by the client and not covered by insurance or other sources;

BD) post-secondary education expenses of other-members-of-the-family unit,paid by a parent/guardian for

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another family member if the individual is claimed as a dependent on the latest federal income tax return;

EE) expenses related to the purchase of a van, as set forth in 89 Ill. Adm. Code 597.200(b)7, or

BF) modifications (not to exceed \$2,000 per year) to a home if necessary (as determined when the counselor and client develop the Individualized Written Rehabilitation Program (IWRP) at 89 Ill. Adm. Code 572) due to client's disability.

e) Standard Budget Allowance

1) The Standard Budget Allowance is as follows:

NUMBER OF DEDUCTIONS CLAIMED ON TAX RETURN	\$ AMOUNT OF ALLOWANCE
1	11,618
2	12,247
3	15,577
4	16,428
5	19,536
6	20,609
7	23,495
8	24,790
9	27,454
10	28,971
11	31,413
12	33,152
13	35,723
14	37,333
15	39,331
16	41,514
17	44,181
18	47,181
19	50,181
20	53,181
21	56,181
22	59,181
23	62,181
24	65,181
25	68,181
26	71,181
27	74,181
28	77,181
29	80,181
30	83,181
31	86,181
32	89,181
33	92,181
34	95,181
35	98,181
36	101,181
37	104,181
38	107,181
39	110,181
40	113,181
41	116,181
42	119,181
43	122,181
44	125,181
45	128,181
46	131,181
47	134,181
48	137,181
49	140,181
50	143,181
51	146,181
52	149,181
53	152,181
54	155,181
55	158,181
56	161,181
57	164,181
58	167,181
59	170,181
60	173,181
61	176,181
62	179,181
63	182,181
64	185,181
65	188,181
66	191,181
67	194,181
68	197,181
69	200,181
70	203,181
71	206,181
72	209,181
73	212,181
74	215,181
75	218,181
76	221,181
77	224,181
78	227,181
79	230,181
80	233,181
81	236,181
82	239,181
83	242,181
84	245,181
85	248,181
86	251,181
87	254,181
88	257,181
89	260,181
90	263,181
91	266,181
92	269,181
93	272,181
94	275,181
95	278,181
96	281,181
97	284,181
98	287,181
99	290,181
100	293,181

2) Add \$3,959 \$4,181 for each additional family member beyond eight members.

3) The SBA amount for a family of one is not applicable to a training case (89 Ill. Adm. Code 592); instead, determine the client's planned subsistence costs during a training program and use these as the budget basis.

(Source: Amended at 15 Ill. Reg. 18750, effective December 17, 1991)

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- 1) Heading of Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Number:

	<u>Adopted:</u>	<u>Action:</u>
3040.100	Amended	
3040.110	Amended	
3040.200	Amended	
3040.210	Amended	
3040.220	Amended	
3040.230	Amended	
3040.240	Amended	
3040.260	Amended	
- 4) Statutory Authority: Implementing and authorized by the State Library Act (Ill. Rev. Stat. 1989, ch. 128, pars. 101 et seq., as amended by P.A. 84-126, effective August 1, 1985).
- 5) Effective Date of Amendments: December 17, 1991
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 17, 1991
- 9) Notice of Proposal Published in Illinois Register:

15 Ill. Reg. 14050 November 8, 1991
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No
recommendations were made
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No

- 15) Summary and Purpose of rulemaking: These amendments change the grade levels for the community and workplace literacy grant to make them consistent with other state agency programs and in response to recommendations from a panel of business representatives. The amendments also modify language to expand the definition of "employer" and to clarify elements specific to businesses.

- 16) Information and questions regarding this proposed rulemaking shall be directed to:

Judy Rake
Illinois Literacy Council
431 South Fourth St., Fl. 1
Springfield, Illinois 62701

The full text of the Proposed Amendments begins on the next page.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER 1: SECRETARY OF STATEPART 3040
LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section
3040.100 Purpose
3040.110 Definitions
3040.120 Application For Grant
3040.130 Review Of Grant Applications
3040.140 Award Of Grant, Interim Reports, And Final Report
3040.150 Cancellation Of Grant
3040.160 Audit Procedures
3040.170 Other Requirements
3040.180 Invalidity

SUBPART B: WORKPLACE LITERACY PROGRAM

Section
3040.200 Purpose
3040.210 Definitions
3040.220 Application for Grant
3040.230 Review of Grant Applications
3040.240 Award of Grant, Interim Reports, and Final Report
3040.250 Cancellation of Grant
3040.260 Other Requirements
3040.270 Invalidity

AUTHORITY: Implementing and authorized by the State Library Act (Ill. Rev. Stat. 1989, ch. 128, pars. 101 et seq.).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991.

SUBPART A: LITERACY PROVIDER PROGRAM

Section 3040.100 Purpose

The Literacy Provider Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act (Ill. Rev. Stat. 1989, ch. 128, par.

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107.2), to develop, expand or support adult literacy programs in Illinois through local community programs administered by education agencies, libraries, volunteer or community-based organizations, or a coalition thereof. The local adult literacy programs will provide instruction in literacy to persons 16 years or older who read below a sixth-grade-level ninth (9th) grade level.

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991.)

Section 3040.110 Definitions

"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (sixteen) and is not currently enrolled in school (Article 26 of The School Code, Ill. Rev. Stat. 1989, ch. 122, pars. 26-1 et seq.).

"Application" shall mean the written request for a literacy grant submitted to the LAB pursuant to this Part. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort between a library system, library or libraries, education agency or agencies, and community-based organization or organizations, or any combination thereof at the local or regional level.

"Community" means a village or city, county, or any local municipality in Illinois.

"Community-based organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Fiscal year" shall mean the fiscal year of the State of Illinois.

"Illiteracy" means the inability to read, write, or comprehend above the 5-9 8.9 grade level.

"Illiterate adult" means an adult whose minimal skills in reading, writing, or comprehension preclude the individual from functioning in society.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act (Ill. Rev. Stat. 1989, ch. 128, par. 107.2).

"Library" means the main facility for a tax-supported public library within an Illinois library system.

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"Literacy" means the ability of an individual to read, write, and comprehend above the 5-9 8-9 grade level.

"Literacy Program" means a structured project or program which provides direct instructional services in literacy to adult students.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act (Ill. Rev. Stat. 1989, ch. 128, pars. 101 et seq.).

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

SUBPART B: WORKPLACE LITERACY PROGRAM

Section 3040.200 Purpose

a) The Workplace Literacy Program is part of the Literacy Grant Program established by Section 7.2 of the State Library Act (Ill. Rev. Stat. 1989, ch. 128, par. 107.2).

b) The purpose of the workplace literacy program is to promote working relationships between business employers and Illinois adult literacy programs of all types to reduce adult illiteracy in Illinois through grant awards which will be made to private businesses who propose to contract with adult literacy providers to do one or more of the following:

- 1) Assess educational skill levels of employees to determine the extent of need for a workplace literacy program for their adult employees who read, write and compute below the 6th 10th grade level; or, who have inadequate basic skills, or who are unable to perform their jobs effectively, or who are ineligible for career advancement due to an identified lack of basic skills below 10th grade level.
- 2) Develop plans for implementation of a workplace literacy program for their adult employees who read, write and compute below the 6th 10th grade level;
- 3) Implement a workplace literacy program for their adult employees who read, write and compute below the 6th 10th grade level;
- 4) Provide support services for a workplace literacy program including training in program management, training in teaching methodologies, diagnostic testing for learning disabilities, referral procedures, and other consulting services directly

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related to development and implementation of a workplace literacy program.

- c) Public funds awarded under this grant program must be matched by the applicant with funds at least equal to the amount of public funds awarded. All combined funds must be used for the purpose set forth in the grant application and for which the public funds are awarded.

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

Section 3040.210 Definitions

"Adult Employee" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (sixteen), is not currently enrolled in school (Article 26 of The School Code, Ill. Rev. Stat. 1989, ch. 122, pars. 26-1 et seq.), and is employed by the business applicant.

"Adult Literacy Provider" means an education agency, library, volunteer or community-based organization, or a coalition thereof which currently provides instruction in literacy to persons 16 years or older who read below a sixth-(6th) tenth (10th) grade level in the community or district in which it is located.

"Application" means the written request for a workplace literacy grant submitted to the Literacy Office, Illinois State Library, Office of the Secretary of State pursuant to this Part. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Business" means a private, legal entity which employs workers and is a corporation, a sole proprietorship, or a partnership.

"Coalition" means a structured cooperative effort between a library system, library or libraries, education agency or agencies, and community-based organization or organizations, or any combination thereof at the local or regional level.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Contractual Agency" means the literacy provider(s) with whom the business will contract to perform any or all of the services necessary for the development or implementation of a workplace literacy program.

"Diagnostic Testing" means testing methods which indicate whether an adult employee has visual, auditory or basic learning disabilities.

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"Educational Skills Assessment" means testing methods which measure the approximate grade level of education skills possessed by adult employees including reading and comprehension abilities.

"Employer" means a private business, a government or any entity employing for work purposes two or more persons not members of the employer's immediate family.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Illiteracy" means the inability to read, write, or comprehend above the 5-9 9.9 grade level.

"Illiterate Adult Employee" means an adult whose minimal skills in reading, writing, or comprehension preclude the individual from functioning in society the workplace.

"Instructional Materials" means written materials and computer software programs which are used in teaching adult employees basic reading and comprehension skills or which supplement the teaching of basic reading and comprehension skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act (Ill. Rev. Stat. 1989, ch. 128, par. 107.2).

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, and comprehend above the 5-9 9.9 grade level.

"Secretary of State" means the Illinois Secretary of State.

"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act (Ill. Rev. Stat. 1989, ch. 128, pars. 101 et seq.).

"Workplace Literacy Program" means a structured program which provides direct instructional services in literacy to adult employees.

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

Section 3040.220 Application for Grant

- a) A request for a grant shall be submitted to the LAB in writing no later than November 17, 1987, for Fiscal Year 1988, and April 1st for every fiscal year thereafter. Applicants shall use the forms prepared and made available by the Secretary of State for this purpose.

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Applications not submitted on time or on the required forms shall not be considered for funding by the LAB.

- b) Applications shall be submitted to the Literacy Office, Illinois State Library, 431 South Fourth Street, Springfield, Illinois 62701.

- c) Applications shall be reviewed by the LAB. Awards shall be made on or after December 17, 1987, for Fiscal Year 1988 and on or after July 1st of every year thereafter for the fiscal year then commencing.

- d) Grants shall not exceed \$10,000 to any one grant applicant.

- e) Applications must be submitted in one (1) original and nineteen (19) fourteen (14) copies.

- f) The first grant period shall be for a period of six (6) months from January 17, 1988, until June 30, 1988. Thereafter, the grant period shall be the fiscal year.

- g) Applications shall include the following information:

- 1) The name and address of the business submitting the grant application.

- 2) The name, title, address and telephone number of the person at the business who will be responsible for administration of the program.

- 3) The name, address, telephone number, Federal Employer Identification Number (FEIN), and signature of the fiscal officer at the business who will receive any approved grant and be responsible for proper safeguarding of the grant funds. If a government employer does not have a FEIN, then some other identifying number must be given.

- 4) The term of the workplace literacy program.

- 5) The total amount of grant money requested for the workplace literacy program.

- 6) The total amount of funds which the business applicant will contribute to the workplace literacy program as a matching contribution, including personnel, equipment, supplies, instructional materials and other related expenditures, but not to include overhead costs such as space, heat, lights and furniture.

- 7) A Certification of Assurance signed by the Fiscal Officer which indicates that the business applicant has sufficient funds to pay the business matching share of the program cost.

- 8) A brief and explicit statement of the purpose and goals of the workplace literacy program.

- 9) A detailed statement of the plan of operation of the workplace literacy program and the proposed timeline for achieving objectives and goals including the anticipated number of employees who will be involved, and whether the proposed plan will include an educational skills assessment, development of a workplace literacy program, implementation of a workplace literacy program, support services for a workplace literacy program, or all of the above.

- 10) A statement of the literacy provider(s) with whom the business applicant will contract to provide services necessary for the

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successful operation of the workplace literacy program including the name and address of the contracting agency, the name and telephone number of the agency party who will sign the contractual agreement and be responsible for obligations agreed upon in the contract, and a brief description of the agency or organization, specifically its qualifications for providing the agreed upon contractual services.

- 11) A statement outlining where workplace literacy program activities will take place and how often.
- 12) A statement detailing plans to evaluate the workplace literacy program including the types of records which will be kept, the person who will be responsible for maintaining such records, and the person who will be responsible for evaluating the progress and outcome of the workplace literacy program.
- 13) A statement of assurances signed by the Fiscal Agent of the business and the Fiscal Agent of the literacy provider that the terms of the contract are mutually agreeable and the services described in the contract will be provided.
- 14) A statement of plans for continuation of the workplace literacy program, where needed as determined by the business applicant, after grant funds have been expended.

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

Section 3040.230 Review of Grant Applications

- a) The LAB shall review all grant applications which are designed to provide an employee educational skills assessment, or develop plans for, or implement, or provide support services for workplace literacy programs, which will provide instruction in literacy to adult employees over the age of sixteen (16) who read below the sixth-~~sixth~~ grade-level have inadequate basic skills and who are currently unable to perform their jobs effectively or are ineligible for career advancement due to an identified lack of basic skills below the 10th grade level.

- b) The LAB will use the following selection criteria:

- 1) Whether the plan of operation contains a specific statement of program goals and objectives, the methods used to achieve these goals and objectives, the number of employees to be involved, and the number of administrative and instructional personnel necessary to serve the targeted employee population.
- 2) Whether the proposed budget is reasonable in view of the proposed goals of the project and the budget is adequate to support the project, and whether the business applicant has adequately described how it will match the request for public funds with its own funds.
- 3) Whether the business applicant has outlined evaluation methods which will produce quantifiable data regarding the results of the

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employee educational assessment, or the development of plans for a workplace literacy program, or the implementation of a literacy workplace program, or the support services for a workplace literacy program which have been proposed. Quantifiable data should include employees pre- and post-test scores, employee test hours, employee instructional hours, employee release hours and employee progress as applicable.

- 4) Whether the literacy provider with whom the business applicant will contract has experience and expertise in providing the services agreed upon including qualified personnel and the administrative capacity to support that personnel.
- 5) What plans are presented in the grant application to continue the program after the grant funds have been expended, if the business applicant determines there is a need.

c) The criteria listed in subsection (b) of this Section will be evaluated and assigned point value as follows: poor = 1 point; fair = 2 points; good = 3 points; very good = 4 points; excellent = 5 points. Equal priority will be given to all subsections.

- d) The LAB shall not select any grant application or award any public funds to any grant applicant which:

- 1) Does not certify or state that it will comply with the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 1-101 et seq.).
- 2) Uses as its staff or management personnel persons who have been convicted of any felonies involving moral turpitude, embezzlement, theft, sexual offense, fraud, and misrepresentation under laws of the United States, Illinois, or any other state, or have been convicted of bribery in violation of Section 10.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1989, ch. 127, par. 132.10-1).
- 3) Has as its managers employees of the Office of the Secretary of State.
- 4) Has been disqualified and had its grant cancelled in previous years for false application statements, failure to adhere to the grant plan as approved by LAB, misappropriation of funds, or any violation of this Part as determined by the Secretary.

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

Section 3040.240 Award of Grant, Interim Reports, and Final Report

- a) The LAB will make a recommendation to the Secretary of State as to which grant applications shall be approved and the amount of public funds to be awarded to fund each grant application based upon the criteria in Section 3040.230.
- b) The LAB shall make its recommendations on December 31 for Fiscal Year 1988 and July 1 for fiscal year 1989 and thereafter each Fiscal Year.
- c) The Secretary of State shall make his or her final decision upon each

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recommendation as soon as possible within 60 days after the recommendation is presented to the Secretary. The Secretary of State shall approve or disapprove the recommendations of the Literacy Office based upon whether the Secretary determines the recommendations to be consistent with the State Library Act (Ill. Rev. Stat. 1985, ch. 128, par. 105) and this Part.

- d) The final approved grant application and the funding determination shall constitute the Workplace Literacy Grant Determination, which shall be a public record, as shall be the grant applications, whether approved or not, and shall be subject to disclosure pursuant to the Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, pars. 201 et seq.) and the rules of the Secretary of State found at 2 Ill. Adm. Code 551.

- e) Approved grant applicants shall submit to the Literacy Office, at least semi-annually, an interim financial report and a program progress report.

- 1) The interim financial report shall state the amount of money expended to date in each line item of the approved program budget and the amount of money expended to date by the business applicant as matching funds.

- 2) The interim program progress report shall state, at least:

- A) For an employee educational assessment, the number of employees tested, the method of testing used, the number of hours spent in testing, the results of that testing, the need for instructional services indicated as a result of that testing, if any, and the plans of the business applicant for addressing that need.

- B) For development of plans for a workplace literacy program, the target number of employees to be served, how this number was determined, where employees will receive instruction, the target number of hours for employees' instruction, the method of instruction which will be provided, the amount of release time which will be allowed for employees who receive instruction, if any, and when the workplace literacy program will begin.

- C) For implementation of a workplace literacy program, the number of employees served to the date of the report, the net gain in education level of each employee receiving instruction, pre- and post-test scores of each employee receiving instruction, the number of hours each employee has spent in instruction, and the amount of release time allowed employees who have received instruction.

- D) For support services provided to a workplace literacy program, the type and extent of services rendered, the number of employees served through the support services, and the impact of support services on the workplace literacy program.

- E) For all types of contractual services listed above, what has been the most positive outcome of the services, what

SECRETARY OF STATE

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problems, if any, have occurred in the delivery of these services, and to what extent the goals and objectives of these services have been met to the date of the report.

- 3) Failure to submit the required interim reports shall be cause for cancellation of the grant. Grant recipients shall receive one thirty (30) day notice requesting compliance with this Section before the grant shall be cancelled.

- f) A final report shall be submitted by each grant recipient to the Literacy Office on or before September 1 of each calendar year for the previous Fiscal Year's program.

- g) The decision of the Secretary of State upon any grant application shall be a final decision for the purpose of the Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.).

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

Section 3040.260 Other Requirements

- a) Adult literacy providers contracted with by the business shall be subject to the terms, conditions, and requirements of Subparts A and B of this Part.

- b) Adult literacy instruction provided under Subpart B of this Part must be given on business applicant's premises unless exceptional circumstances prohibit this, such as lack of space for instruction or inappropriate facilities. In such instances, instruction in literacy must take place within a 10-mile radius of the business at a site approved by the Literacy Office.

- c) A literacy grant monitor shall make two site visits to the literacy program during the fiscal year, with additional visits as requested by either the employer or the Literacy Office. It shall be the responsibility of the grant monitor to:

- 1) Review the progress of the project.
- 2) Review the grant budget and expenditures in the project to date.
- 3) Verify that the project plan is being implemented according to the proposal approved by the LAB.
- 4) Submit a written report on the progress of the project to the State Library Literacy Office following each site visit.

(Source: Amended at 15 Ill. Reg. 18757, effective December 17, 1991)

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Guaranteed Loan Programs
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section numbers: Emergency Action:
2720.10
2720.40
Amendment
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, Ch. 122, par. 30-15.4(f)) and by Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq. (1990)).
- 5) Effective Date of Amendments: January 1, 1992
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire. This emergency amendment will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: December 9, 1991
- 8) Reason for Emergency: These emergency amendments will have the effect of precluding non-Illinois borrowers attending non-Illinois institutions from receiving ISAC-guaranteed loans and will enable the Commission to protect the immediate and long-term financial integrity of its reserve fund. At this time, the Commission lacks the resources needed to screen, monitor and service hundreds of out-of-state schools to the extent required to ensure that those institutions comply fully with the laws and regulations governing federal student loan programs. Further, continued diversion of already limited agency resources to perform such tasks would undermine ISAC's ability to fulfill its statutory responsibilities to the citizens of Illinois and could interfere with ISAC's ability to honor its current contractual obligations with lenders and the federal government. There are over 400 institutions that have requested participation in ISAC Loan Programs. The historical experience of ISAC and other guarantee agencies suggest that a high percentage of the loans coming from these applicant institutions are likely to default. The Commission's ability to maintain adequate reserve funds could be threatened if it were to continue to serve and admit large numbers of non-Illinois residents or students attending foreign schools with high default rates into its loan programs. The benefits derived from protecting the long-term stability of ISAC's Guaranteed Loan Programs far outweigh the marginal gains that the agency has derived since repealing the residency requirement in 1987.

There are proposed amendments pending at this time to rectify this situation. However, ISAC is unable to enact rules implementing the

changes, during the regular rulemaking process, in sufficient time to make them effective for the academic terms beginning after January 1, 1992. In the absence of emergency rules amendments, the logistical problems for financial aid administrators, banks and students would be staggering. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.

9) A Complete Description of the Subjects and Issues Involved: The Illinois Student Assistance Commission (ISAC) has an obligation to protect the financial integrity of its guaranteed student loan programs. The emergency amendments will have the effect of reinstating residency requirements for students and parent borrowers that had been repealed by the Commission in 1987. The residency requirement was repealed by the Commission largely in response to changes in Illinois banking laws, in an effort to accommodate lenders participating in ISAC's student loan programs. At the time, ISAC did not foresee that the rule change would have the unintended and potentially costly consequence of permitting large numbers of out-of-state students attending non-Illinois schools with high rates of student loan defaults access to the Commission's loan programs.

Requests for approval to participate in ISAC's programs by out-of-state schools have increased significantly since 1988, and more dramatically in recent months, in proportion to the changes that were made in student loan programs for the nation as a whole. For example, the Higher Education Assistance Foundation (HEAF), one of the nation's largest guarantors of student loans, began limiting the size of its student loan portfolio and eventually ended in financial collapse. Throughout the 1980's, HEAF served as the guarantor of choice for the nation's trade schools, actively soliciting their business. With HEAF's withdrawal from the loan programs, many trade and technical schools have sought to establish relationships with alternative guarantors.

As the designated guarantor for the State of Illinois, ISAC's primary obligation is to its clients located in this State. ISAC is required to draw on its reserve fund to reimburse lenders when a student loan goes into default. The need to maintain a reserve fund sufficient to cover the agency's outstanding obligations is essential for the continued viability of this program in Illinois. The Commission's ability to maintain adequate reserves would be threatened if it were to admit large numbers of foreign schools with high default rates into its student loan programs.

A survey of ISAC lenders indicates that repeal of the rules change implemented at their request in 1987 would not adversely impact their operations; in fact, all lenders consulted by ISAC supported the proposed amendments.

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The experience of the past three years suggests that the rules amendment adopted by ISAC in 1987 was not necessary; the structural changes in Illinois banking have not had the dramatic consequences anticipated by ISAC at that time. Therefore, the proposed amendments, and the emergency rules, could be adopted without hindering ISAC from discharging its statutory responsibilities. Nevertheless, it is the Commission's intention to revisit this issue next year, after action has been taken on major banking and student aid reform bills currently pending before Congress.

- 10) Are there any proposed amendments to this Part pending? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---------------------------------------|
| 2720.10 | Amendment | 15 Ill. Reg. 15026 (October 18, 1991) |
| 2720.40 | Amendment | 15 Ill. Reg. 15026 (October 18, 1991) |
- 11) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental agencies.
- 12) Information and questions regarding this rule shall be directed to:

Name: Mr. Larry E. Matejka
Executive Director
Address: Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, Illinois 60015
Telephone: (708) 948-8500

The full text of the emergency amendments begin on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION
PART 2720
GUARANTEED LOAN PROGRAMS

SUBPART A: Loan Guarantee Programs:
THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Institutional Eligibility
2720.30	Procedures for Obtaining a Guaranteed Loan
2720.40	Procedures for Disbursement and Repayment
2720.50	Consolidation Loan/unLoan Program
2720.55	Preclaim Assistance
2720.60	Reimbursement Procedures
2720.70	Student Insurance Premium
2720.80	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program

APPENDIX A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).
SOURCE: Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency

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repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; amended at 15 Ill. Reg. _____, effective _____, 1991; emergency amendments at 15 Ill. Reg. 18769 effective January 1, 1992, for a maximum of 150 days.

SUBPART A: Loan Guarantee Programs:
THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section 2720.10 Eligibility for ISAC Loan Guarantees
EMERGENCY

- a) Applicants may apply for a loan guarantee by submitting an ISAC approved application form.
- b) Eligibility requirements for Guaranteed Loans are established by Federal Regulations; however, the borrower must be a Resident of the State of Illinois. For purposes of this Part, a student loan Applicant is considered an Illinois resident if the Applicant:
 - 1) reports an Illinois address as his/her permanent home address and is Enrolled on at least a half-time basis at an approved postsecondary Institution; or,
 - 2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or,

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled at least half-time at an approved postsecondary Institution.
 - c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.
 - d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), Federal Regulations and of this Subpart.
 - e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078)
 - f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.
- 1) When certifying loan eligibility for an Academic Year which will span Academic levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.
- Example: A student desires a Stafford Loan for a two semester period of enrollment beginning 8/20/87 and concluding 5/15/88. During the fall 1987 Term the student will be a sophomore and during the spring 1988 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 loan permitted sophomore borrowers.
- 2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. See Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091)

(Source: Emergency amendment at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days)

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Section 2720.40 Procedures for Obtaining a Guaranteed Loan
EMERGENCY

a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee and an application/promissory note form. All promissory notes must be in the form furnished by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.

b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.

1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.

2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.

c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.

d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.

e) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.

1) Notwithstanding the residency requirements of Section 2720.10(b), if a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loan(s) with that lender or a prior Lender, the following provisions apply:

A) A subsidized Stafford Loan will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed subsidized Stafford Loans.

B) A non-subsidized Stafford Loan will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed non-subsidized Stafford Loans.

C) A PLUS loan will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed PLUS Loans made on behalf of the same student.

D) A SLS loan issued by a commercial Lender will be guaranteed if the Lender holds or has purchased all outstanding ISAC guaranteed SLS Loans made by another commercial Lender.

E) A SLS loan issued by an educational Lender will be guaranteed if the Lender is an educational Institution at which the borrower is Enrolled and the borrower has not previously obtained a SLS Loan through a commercial Lender.

2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, a subsequent loan will be guaranteed provided:

(A) the renewal loan is issued by the same Lender that issued the previous loans; and

(B) the Lender sells the renewal loan to the Holder prior to the ending loan term date. Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.

3) The requirements of subsection (f)(1) shall not apply if:

(A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.

(B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- g) Co-maker and Co-signers
- 1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.
 - 2) The Lender shall not require a co-maker or co-signer on a subsidized Stafford Loan nor accept security for payment thereof.
 - h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Emergency amendment at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- 1) The Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section numbers: Emergency Action:
2733.20 amendment
- 4) Statutory Authority: Implementing Section 30-15.7d of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.7d as amended by P.A. 87-116, effective August 11, 1991, and by P.A. 87-302, effective July 1, 1991) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f))
- 5) Effective Date of Rules: January 1, 1992
- 6) If this emergency rule amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: December 16, 1991
- 8) Reason for Emergency: On September 9, 1991, Governor Edgar signed Public Act 87-301, which deleted the sixteen year limitation of benefits under this entitlement program.

ISAC was unable to enact rule amendments implementing Public Act 87-301 in sufficient time to make them effective by January 1, 1992, through the regular rulemaking process. In the absence of emergency rules, certain otherwise qualified veterans would be precluded from receiving educational benefits and this could result in a corresponding decrease in student enrollment. On the basis of the foregoing factors, ISAC finds that there is a threat to the public interest and welfare which constitutes an emergency within the meaning of Section 5.02 of the Illinois Administrative Procedures Act.
- 9) A Complete Description of the Subjects and Issues Involved: This emergency amendment will extend eligibility to those veterans who would otherwise be precluded from receiving benefits because they had reached the sixteen year maximum or began their initial terms of study prior to August 1, 1975. ISAC has proposed rules amendments through the regular process that will make this amendment a permanent addition to the IVG rules.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY RULES

- 10) Are there any proposed amendments to this Part pending? Yes
Section Numbers Proposed Action Illinois Register Citation
- | | | |
|---------|-----------|-------------------------|
| 2733.20 | amendment | 15 Ill. Reg. (12-20-91) |
| 2733.30 | amendment | 15 Ill. Reg. (12-20-91) |
- 11) Statement of Statewide Policy Objectives: This rulemaking does not affect local governmental agencies.
- 12) Information and questions regarding this amendment shall be directed to:

Name: Mr. Larry E. Matejka

Address: Executive Director
 Illinois Student Assistance Commission
 106 Wilmet Road

Telephone: Deerfield, Illinois 60015
 (708) 948-8500

The full text of the emergency amendment begin on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE A: EDUCATION
 CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

Part 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
 2733.10
 2733.20
 EMERGENCY
 2733.30

Summary and Purpose
 Grant Eligibility
 Program Procedures

AUTHORITY: Implementing Section 30-15.7d of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.7d, as amended by P.A. 87-116, effective August 11, 1991, and P.A. 87-302, effective July 1, 1991) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18778, effective January 1, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days.

Section 2733.20 Grant Eligibility
EMERGENCY

- a) A recipient must have been designated a Qualified Veteran. See: Section 2733.30(a).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) A recipient must maintain an acceptable grade point average as determined by the Institution pursuant to a published policy.
- d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.
- e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENTS

- f) Fees Exempted by the IVG
- 1) The recipient is exempted from paying most fees including:
 - A) Tuition and other instructional fees;
 - B) activity, air flight and athletic fees;
 - C) matriculation, service and other registration-type fees;
 - D) off-campus and other extension course fees;
 - E) application fees;
 - F) graduation and transcript fees;
 - G) proficiency exam, College Level Exam Program (CLEP), placement exam and similar fees; and
 - H) health insurance fees.

- 2) The recipient is responsible for payment of the following fees:

- A) book rental fees;
- B) laboratory and supply fees;
- C) student union fees; and
- D) fees for the operation, maintenance, rental or equipping of any building or facility.

- 3) Recipients attending out-of-district community colleges receive Tuition and fee benefits equivalent to those at the in-district rate.

- g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.

- 4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of faculty contact hours.

h) Notwithstanding the provisions of subsection (g), eligibility shall terminate upon the expiration of sixteen years from the beginning date of the first Term of assistance. Should the sixteen years expire after the start of a Term of study, the recipient may complete the Term with the grant awarded. No recipient's eligibility shall be terminated pursuant to this subsection prior to August 1, 1991.

- ih) A recipient who qualifies as a Persian Gulf Operation Desert Shield/Storm War Veteran (see Section 2733.30(a)(1)(D)(iii) of this Part) must begin and complete the Term or Terms of study for which benefits are being requested prior to July 1, 1992.

(Source: Emergency amendment at 15 Ill. Reg. 18778 effective January 1, 1992, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 11, 1991 through December 17, 1991, and have been scheduled for review by the Committee at its January meeting. Other items not contained in this published list may also be considered by the Committee at its January meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/27/92	Secretary of State, Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)	10/25/91 15 Ill. Reg. 15428	1/8/92
1/27/92	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	10/4/91 15 Ill. Reg. 14198	1/8/92
1/27/92	Board of Higher Education, Illinois Cooperative Work Study Program (23 Ill. Adm. Code 1015)	10/18/91 15 Ill. Reg. 14852	1/8/92
1/30/92	Department of Employment Security, Claims, Adjudication, Appeals and Hearings (56 Ill. Adm. Code 2720)	10/11/91 15 Ill. Reg. 14343	1/8/92
1/30/92	Illinois Local Governmental Law Enforcement Officers Training Board, Illinois Police Training Act (20 Ill. Adm. Code 3113)	10/25/91 15 Ill. Reg. 15251	1/8/92
1/30/92	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	9/20/91 15 Ill. Reg. 13685	1/8/92
1/30/92	Department of Revenue, Property Tax/Revenue Act of 1939 (86 Ill. Adm. Code 110)	10/4/91 15 Ill. Reg. 14196	1/8/92
1/30/92	Department of Revenue, Retailers' Occupation Tax (86 Ill. Adm. Code 130)	10/18/91 15 Ill. Reg. 15013	1/8/92

PROCLAMATION

91-582
VETERINARY MEDICAL EDUCATION WEEK

Whereas, activities of the veterinary medical profession benefit every person in the state, either directly or indirectly; and

Whereas, the veterinary medical profession is concerned with education, research, and disease control in both humans and animals. The profession serves citizens through private practice and many health-related programs; and

Whereas, the University of Illinois student chapter of the American Veterinary Medical Association is sponsoring its annual Veterinary Medical Education Week March 28-April 4; and

Whereas, the event culminates with an open house at the College of Veterinary Medicine on the Champaign-Urbana campus;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 28-April 4, 1992, as VETERINARY MEDICAL EDUCATION WEEK in Illinois. I urge citizens to learn more about veterinary animal disease control, eradication programs, and other services that contribute to our health and welfare.

Issued by the Governor December 4, 1991.

Filed with the Secretary of State December 12, 1991.

91-583
INTERNATIONAL HOUSEWARES WEEK

Whereas, the Board of Directors of the National Housewares Manufacturers Association has chosen our state for its 95th International Housewares Show; and

Whereas, Illinois has hosted the nation's premier housewares show since 1928; and

Whereas, the American housewares industry represents more than \$84 billion in annual retail sales and is actively involved in export activities; and

Whereas, the National Housewares Manufacturers Association's 1992 International Housewares Show is the largest U.S. marketplace for buying and selling housewares products; and

Whereas, the world's largest "housewares-only" exposition brings 12,000 American buyers and 2,500 buyers from other countries to Illinois to purchase goods from 2,000 housewares exhibitors; and

Whereas, the International Housewares Show attracts more than 55,000 people to Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 12-18, 1992, as INTERNATIONAL HOUSEWARES WEEK in Illinois and welcome the International Housewares Show to our state.

Issued by the Governor December 6, 1991.

Filed with the Secretary of State December 12, 1991.

91-584

TREE OF MEMORIES MONTH

Whereas, during the holidays, it is truly fitting to remember times spent with loved ones who are no longer with us; and

Whereas, Judith C. Lorence originated the Tree of Memories in remembrance of her father, with the idea that others could place an ornament on the special tree to honor loved ones who have passed away; and

Whereas, support for the Tree of Memories will be shown in Illinois through display of trees in Algonquin and Elgin from November 25, 1991, through January 2, 1992; and

Whereas, individuals wishing to remember loved ones who have passed away are welcome to bring ornaments to the "Tree of Memories;"

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim December 1991 as TREE OF MEMORIES MONTH in Illinois.

Issued by the Governor December 10, 1991.

Filed with the Secretary of State December 12, 1991.

91-585

KATHLEEN BEST DAY

Whereas, Kathleen Best is the heiress to a proud and storied journalism family who has made its mark in East Central Illinois; and

Whereas, Kathleen Best is a graduate of one of Illinois' premier journalism schools, Southern Illinois University in Carbondale, and is one of the few graduates of Sangamon State University's Public Affairs Reporting Program to remain in the journalism profession; and

Whereas, Kathleen Best further culled her journalistic skills for Lee Enterprises Inc. by working in the highly-charged, shoeless atmosphere of Lee's Statehouse Bureau; and

Whereas, she joined the St. Louis Post-Dispatch in 1984, covering the Metro East area. She was quickly recognized as an aspiring talent, so much so that in 1985 she was named Illinois political writer for the out-of-state newspaper and returned to Springfield; and

Whereas, Kathleen Best has established herself not only as an expert on Illinois government and politics but also as a troubleshooter in the Post's bureau in Washington, D.C., at national political conventions in Atlanta and New Orleans, and at U.S.-U.S.R. summit meetings in Minnesota; and

Whereas, her guidance has helped many PAR interns find jobs at the Peoria Journal-Star, Southern Illinoisan, Associated Press, and Arlington Heights Daily Herald. She also contributed to the PAR program through stellar performances at the annual ILCA Gridiron; and

Whereas, Kathleen Best is one of the few reporters able to get along well with the divergent personalities of Jim McPike, Carl E. Officer, Phyllis Schiafly; and

Whereas, Brenda and I have learned with some sadness that Kathleen has finally accepted a management position at the St. Louis headquarters of the Post-Dispatch, sold her historic Springfield mansion, and again left the statehouse pressroom; and

Whereas, Kathleen's colleagues and all of state government will greatly miss her humor, knowledge, skill, compassion, and courage;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23, 1991, as KATHLEEN BEST DAY in Illinois.

Issued by the Governor November 23, 1991.

Filed with the Secretary of State December 16, 1991.

91-586

BICENTENNIAL OF THE RATIFICATION OF
THE BILL OF RIGHTS/BILL OF RIGHTS DAY

Whereas, the first ten amendments to the United States Constitution, known as the Bill of Rights, were proposed by the First Congress of the United States and passed on to the states in September 1789 for ratification; and

Whereas, on December 15, 1791, the 11th state ratified the amendments, achieving the three-fourths votes necessary for ratification; and

Whereas, for 200 years, the Bill of Rights has stood the test of time and the stress and strain of American and World History, becoming a beacon and a model for other nations; and

Whereas, the rights secured by the Constitution as it is today are precious and call forth our best efforts to preserve them;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1991 as THE BICENTENNIAL OF THE RATIFICATION OF THE BILL OF RIGHTS and December 15, 1991, as BILL OF RIGHTS DAY in Illinois.

Issued by the Governor December 10, 1991.

Filed with the Secretary of State December 16, 1991.

91-587

GIRLS AND WOMEN IN SPORTS DAY

Whereas, programs and opportunities for women in sports have grown significantly during recent years, but athletic opportunities for male students at high school and collegiate levels are often greater than those for female students; and

Whereas, the Women's Sports Foundation advocates equal opportunity for girls and women in sports and recognizes the importance of encouraging sports and fitness for individuals of every age, sex, and color; and

Whereas, early motor-skill training and the enjoyable experience of physical activity strongly influence lifelong habits of physical fitness. Abilities and skills developed through athletic experience play a key role in an athlete's contributions to society; and

Whereas, the Women's Sports Foundation strives to promote information, opportunities, and the means for females of all ages to develop skills in the sport of their choice, giving them the benefits of a physically active lifestyle; and

Whereas, bonds built between women through athletics help to break down social barriers of racism and prejudice; and

Whereas, the accomplishments of women in sports deserve recognition throughout our state and nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 6, 1992, as GIRLS AND WOMEN IN SPORTS DAY in Illinois, to celebrate the value of sports for women.

Issued by the Governor December 10, 1991.

Filed with the Secretary of State December 16, 1991.

91-588

OPTICIANS MONTH

Whereas, the proper maintenance of eyesight is of paramount importance to all our citizens; and

Whereas, eyecare and eyewear professionals and manufacturers have made services and products available to help those who need their vision corrected; and

Whereas, through training, experience, continuing education, voluntary certification, and state licensing, dispensing opticians are qualified to assure eye prescriptions are properly filled; and

Whereas, opticians provide freedom of choice to eyewear consumers and are the competitive balance that keeps eyewear affordable for our citizens; and

Whereas, the month of January 1992 is being celebrated as National Opticians Month under the auspices of the Opticians Association of America to acknowledge the role of dispensing opticians in assuring the best possible eyesight for all;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 1992 as OPTICIANS MONTH in Illinois and encourage citizens to be aware of their visual health and the role of dispensing opticians in safeguarding and promoting good vision for all.

Issued by the Governor December 10, 1991.

Filed with the Secretary of State December 16, 1991.

91-589

SNOWMOBILE SAFETY WEEK

Whereas, snowmobiling is a family sport enjoyed throughout

Illinois; and

Whereas, in addition to their recreational use, snowmobiles are frequently the only means of transportation in heavy snow conditions; and

Whereas, members of the Illinois Association of Snowmobile Clubs have been most generous with their time in helping stranded citizens; and

Whereas, the primary pursuit of these snowmobile clubs is safety education, and members participate in the Illinois Department of Conservation's Snowmobile Safety Program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 2-8, 1992, as SNOWMOBILE SAFETY WEEK in Illinois, and I encourage all snowmobilers to take advantage of the safety instruction available in our state.

Issued by the Governor December 10, 1991.

Filed with the Secretary of State December 16, 1991.

ACTION CODES

Rules

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JC&R
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JC&R objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JC&R objections	S - Suspension ordered by JC&R
O - JC&R Statement of Objections	W - Withdrawal to meet JC&R objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

TITLE	PART	ACTION CODE	PAGE NUMBER	PREVIOUS VOLUME	ACTION CODE	PAGE NUMBER	ACTION CODE
8 Ill. Adm. Code 285	III. Grain Insurance Act (P-18048/85; A-6818)						

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

62 Ill. Adm. Code 2501 Abandoned Mined Lands Reclamation (P-141; A-6513)

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (E-2838; A-10351) (P-18635/90; A-10351) (P-14335) (E-14593) (P-17007) (E-17398) (P-19415/90; A-18568)
 89 Ill. Adm. Code 220 General Programmatic Requirements (P-19442/90; A-18603)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-19469/90; A-18642)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 255 Agricultural Facilities (E-128)
 8 Ill. Adm. Code 270 III. State Fair & DuQuoin State Fair, Non-Fair Space Rental & the General Operation of the State Fairgrounds (P-10965/90; A-455)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-620; W-1574) (P-1583) (PP-3117) (PP-8714) (P-1583; A-8801) (PP-13976)
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-6105)
 8 Ill. Adm. Code 290 Standardbred & Thoroughbred Horse Breeding & Racing Programs (P-19087/90; A-5207)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083)
 77 Ill. Adm. Code 2031 Award Criteria & Procedure (PP-9149)
 77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (PR 9153)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF (CONT'D)

77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment, Intervention & Research Programs (P-6457/90; A-2597) (P-8837; A-13708)
 77 Ill. Adm. Code 2090 Subacute Alcoholism & Substance Abuse Treatment Services (P-9785; E-10222; C-11343; A-16662)

77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (PR-9218)

ASBESTOS ABATEMENT AUTHORITY, ILLINOIS

2 Ill. Adm. Code 2650 Organization, rulemaking & Public Information (A-2660)

ATTORNEY GENERAL

14 Ill. Adm. Code 475 Motor Vehicle Advertising (P-6343; A-17949)

AUDITOR GENERAL

74 Ill. Adm. Code 420 Code of Regs. (P-15645/90; A-3429)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 307 Acquisition of Former Main Banking Premises or Branches of Eligible Depository Institutions (P-3611)
 38 Ill. Adm. Code 354 Administration of Collateral Obtained in Collection of a Debt (P-3614)
 38 Ill. Adm. Code 397 Corporate Fiduciary Receivership Account (P-15181/90; A-167)
 38 Ill. Adm. Code 350 Loan Agreements Providing for a Bank to Share in Profits, Income or Earnings (P-2053)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989/90; A-4109)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 303 Conditions of Employment (P-4801; A-14067) (E-5076) (P-17399/90; A-5214)
 89 Ill. Adm. Code 1300 Day Care (P-5141)
 80 Ill. Adm. Code 302 Merit & Fitness (P-11859; A-17974)
 80 Ill. Adm. Code 310 Pay Plan (PP-463) (P-14657/90; A-3296) (P-15186/90; A-4401) (P-4497; W-5920) (PP-5100) (P-5147; A-13080) (PP-5465) (P-6364; A-14210) (E-10485) (P-4497; A-11080; C-11537) (P-12051)
 44 Ill. Adm. Code 5030 Personal Use of State Telephones (P-1203; A-8843) (P-18013)
 80 Ill. Adm. Code 2110 State of Ill. Dependent Care Assistance Plan (P-12064)
 80 Ill. Adm. Code 2120 State of Ill. Medical Care Assistance Plan (P-12074)
 44 Ill. Adm. Code 5040 State Vehicles & Garage (P-17403/90; A-7553)
 80 Ill. Adm. Code 2800 Travel (P-12963; A-17981) (E-13196; O-16523) (P-15199)

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89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303/90; A-24)
 89 Ill. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-18871/90; A-11111) (P-1323) (E-13554)
 89 Ill. Adm. Code 407 Licensing Standards for Day Care Centers (P-14729)
 89 Ill. Adm. Code 406 Licensing Standards for Day Care Home (P-14734) (E-15088; M-16519; O-17795)
 89 Ill. Adm. Code 408 Licensing Standards for Group Day Care Homes (P-14764) (E-15104)
 89 Ill. Adm. Code 335 Relative Home Placement (P-8415)
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-8735; PP-14320; W-16520; A-17986) (E-14285)

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56 Ill. Adm. Code 2625 Economic Dislocation & Worker Adjustment Assistance (P-13045/90; A-10368) (P-13074/90; A-10386) (P-19495/90; RC-11532; A-13092)
 56 Ill. Adm. Code 2620 Employment & Training Assistance for Dislocated Workers (PR-12964)
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-13060/90; A-8683) (P-9787)
 47 Ill. Adm. Code 140 III. Clean and Beautiful Program (PR-13241)
 14 Ill. Adm. Code 510 III. Promotion Act Programs (P-13072/90; A-2673) (P-677; A-8848)
 14 Ill. Adm. Code 570 III. Small Business Development Program (P-4528; A-9902)

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 56 Ill. Adm. Code 550 Local Tourism & Convention Bureau Program (P-8782/90; A-1798) (P-10249) (E-10498; C-11014)
 47 Ill. Adm. Code 100 Residential Energy Assistance Partnership Program (P-15189/90; O-1575; R-3603; A-3437) (P-14337) (E-14604)
 14 Ill. Adm. Code 640 Rural Diversification Act Program (P-13391/90; A-7558)
 56 Ill. Adm. Code 2600 Service Delivery System & State Responsibilities (P-691; A-13102) (P-11865)
 47 Ill. Adm. Code 110 State Administration of the Federal Community Development Block Grant Program for Small Cities (P-10985/90; O-19076/90; R-3127 A-4410)
 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-8617; A-16945) (P-13993)
 14 Ill. Adm. Code 545 Technology Advancement & Development Act Programs (P-3620; A-15040)
 14 Ill. Adm. Code 540 Technology Commercialization Grant-In-Aid Programs (P-11022/90; A-973)
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-13074/90; A-10386) (P-16117/90; A-7595) (P-3641; A-13137) (P-11894)
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-8081) (P-11545) (P-17407/90; RC-14321; A-16032)

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- 92 Ill. Adm. Code 1202 Applications (P-19094/90; A-17568)
 83 Ill. Adm. Code 110 Approval of Citizens Utility Board Enclosures & Statements (PR-18018)
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-14340) (P-16535)
 92 Ill. Adm. Code 1311 Commodity Group Definitions (P-4195)
 83 Ill. Adm. Code 305 Construction of Electric Power & Communication Lines (G.O. 160) (P-16538)
 92 Ill. Adm. Code 1355 Crossings of Rail Carriers & Highways (P-18177/90; A-10920)
 83 Ill. Adm. Code 785 Joint Rules of the Ill. Commerce Commission, the Office of the State Fire Marshal, & the Ill. Emergency Services & Disaster Agency: Fire Protection & Emergency Services for Telecommunications Facilities (P-17427)
 83 Ill. Adm. Code 756 Dual Party Relay Service (P-18675/90; A-5618)
 92 Ill. Adm. Code 1304 Motor Carrier of Property Fitness Standards (P-19104/90; A-17580)
 83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-13585)
 83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Service (G.O. #172) (P-9801)
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 83 Ill. Adm. Code 220 Reports of Accidents by Telecommunications Carriers & by Fixed Public Utilities Other Than Pipelines Transporting Liquids (P-15653/90; A-5056)
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 83 Ill. Adm. Code 755 Telecommunications Access for the Hearing & Voice Impaired (P-19109/90; A-5624)
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23 Ill. Adm. Code 220 Scientific Literacy (10288; A-17073)
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91-574	MADD's Project Red Ribbon Days	17809
91-575	United Charities Day	17810
91-576	Antenne-2, Le Journal Day	18012
91-577	American History Month	18012
91-578	Price Waterhouse Week	18324
91-579	Geography Awareness Week	18324
91-580	Senior Citizens Day	18325
91-581	Richard Moline Day	18325
91-582	Veterinary Medical Education Week	18784
91-583	International Housewares Week	18784
91-584	Tree of Memories Month	18785
91-585	Kathleen Best Day	18785
91-586	Bicentennial Of The Ratification Of The Bill Of Rights/ Bill Of Rights Day	18786
91-587	Girls And Women In Sports Day	18786
91-588	Opticians Month	18787
91-589	Snowmobile Safety Week	18787

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The Sections Affected Index lists, by Title, each Section of a codified Part on which rulemaking activity has occurred in this volume of the Register and is divided into two parts: the first lists the Sections on which rulemaking occurred in the previous issues of this volume year; the second lists the Sections on which rulemaking activity occurred in this issue of the Register. (The headings at the top of each page indicate the two parts: the first part shows the previous issue numbers inclusively and the date of the last published issue; the second lists the current issue number and date.) The columns in both parts indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume (calendar year) of the Register was proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 1 Ill. Adm. Code 100.280 was proposed last year and adopted this year. The action entry reads: (P-8577/89; A-724) The codes for both columns are listed below. For a complete listing of the Titles of the Illinois Administrative Code, please refer to 1 Ill. Adm. Code 100.140 or contact the Administrative Code Division.

TYPE OF RULEMAKING		ACTION CODES	
am	= amendment to existing Section	A	= Adopted rule
cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
re	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= JCAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= JCAR Recommendation
		S	= Suspended rule
		W	= Withdrawal of Proposed rule

TITLE 1					
100.100	am	(P-7522; A-13939)	2650.320	n	(A-2660)
100.110	am	(P-7522; A-13939)	2650.330	n	(A-2660)
100.150	am	(P-7522; A-13939)	2650.340	n	(A-2660)
100.180	am	(P-7522; A-13939)	2650.400	n	(A-2660)
100.220	am	(P-7522; A-13939)	2650.410	n	(A-2660)
100.230	am	(P-7522; A-13939)	2650.410	n	(A-2660)
100.240	am	(P-7522; A-13939)	2650.II.A	n	(A-2660)
100.260	am	(P-7522; A-13939)	2650.II.B	n	(A-2660)
100.270	am	(P-7522; A-13939)	TITLE 8		
100.280	am	(P-7522; A-13939)	125.10	am	(PP-620; W-1574) (P-1583; A-8801)
100.310	am	(P-7522; A-13939)	125.30	am	(PP-620; W-1574) (P-1583; A-8801)
100.335	am	(P-7522; A-13939)	125.40	am	(PP-620; W-1574) (P-1583; A-8801)
100.340	am	(P-7522; A-13939)	125.50	am	(PP-620; W-1574) (P-1583; A-8801)
100.350	am	(P-7522; A-13939)	125.60	am	(PP-620; W-1574) (P-1583; A-8801)
100.400	am	(P-7522; A-13939)	125.80	am	(PP-620; W-1574) (P-1583; A-8801)
100.450	am	(P-7522; A-13939)	125.90	am	(PP-620; W-1574) (P-1583; A-8801)
100.500	am	(P-7522; A-13939)	125.100	am	(PP-620; W-1574) (P-1583; A-8801)
100.510	am	(P-7522; A-13939)	125.110	am	(PP-620; W-1574) (P-1583; A-8801)
100.545	am	(P-7522; A-13939)	125.120	am	(PP-620; W-1574) (P-1583; A-8801)
100.550	am	(P-7522; A-13939)	125.130	am	(PP-620; W-1574) (P-1583; A-8801)
100.640	am	(P-7522; A-13939)	125.140	am	(PP-620; W-1574) (P-1583; A-8801)
100.660	am	(P-7522; A-13939)	125.150	am	(PP-620; W-1574) (P-1583; A-8801)
100.670	am	(P-7522; A-13939)	125.160	am	(PP-620; W-1574) (P-1583; A-8801)
100.680	am	(P-7522; A-13939)	125.170	am	(PP-620; W-1574) (P-1583; A-8801)
100.735	am	(P-7522; A-13939)	125.180	am	(PP-620; W-1574) (P-1583; A-8801)
100.740	am	(P-7522; A-13939)	125.190	am	(PP-620; W-1574) (P-1583; A-8801)
100.900	am	(P-7522; A-13939)	125.200	am	(PP-620; W-1574) (P-1583; A-8801)
100.1010	am	(P-7522; A-13939)	125.210	am	(PP-620; W-1574) (P-1583; A-8801)
100.1020	am	(P-7522; A-13939)	125.220	am	(PP-620; W-1574) (P-1583; A-8801)
100.1100	am	(P-7522; A-13939)	125.230	am	(PP-620; W-1574) (P-1583; A-8801)
100.1150	am	(P-7522; A-13939)	125.240	am	(PP-620; W-1574) (P-1583; A-8801)
100.1200	am	(P-7522; A-13939)	125.250	am	(PP-620; W-1574) (P-1583; A-8801)
100.1210	am	(P-7522; A-13939)	125.260	am	(PP-620; W-1574) (P-1583; A-8801)
TITLE 2					
700.40	am	(A-6105)	125.270	am	(PP-620; W-1574) (P-1583; A-8801)
700.100	am	(A-6105)	125.280	am	(PP-620; W-1574) (P-1583; A-8801)
700.130	am	(A-6105)			
700.140	am	(A-6105)			
700.150	am	(A-6105)			
2025.120	n	(A-7897)			
2375.110	am	(A-1571)			
2600.130	am	(A-17607)			
2600.140	am	(A-17607)			
2600.200	am	(A-17607)			
2650.10	n	(A-2660)			
2650.20	n	(A-2660)			
2650.30	n	(A-2660)			
2650.40	n	(A-2660)			
2650.50	n	(A-2660)			
2650.60	n	(A-2660)			
2650.100	n	(A-2660)			
2650.200	n	(A-2660)			
2650.205	n	(A-2660)			
2650.210	n	(A-2660)			
2650.220	n	(A-2660)			
2650.300	n	(A-2660)			
2650.310	n	(A-2660)			
2650.311	n	(A-2660)			
2650.312	n	(A-2660)			
2650.313	n	(A-2660)			
2650.314	n	(A-2660)			

TITLE 8 (CONT'D)		TITLE 14 (CONT'D)	
125.290	am	436.120	am
	(PP-620; W-1574) (P-1583; A-8801)	436.120	r
125.300	am	436.130	am
	(PP-620; W-1574) (P-1583; A-8801)	436.140	am
125.305	am	438.80	r
	(PP-620; W-1574) (P-1583; A-8801)	438.90	am
125.310	am	440.10	am
	(PP-620; W-1574) (P-1583; A-8801)	440.20	am
125.320	am	440.30	am
	(PP-620; W-1574) (P-1583; A-8801)	440.40	n
125.330	am	440.50	n
	(PP-620; W-1574) (P-1583; A-8801)	440.60	n
125.340	am	440.70	n
	(PP-620; W-1574) (P-1583; A-8801)	440.80	n
125.350	am	440.90	am
	(PP-620; W-1574) (P-1583; A-8801)	440.90	am
125.360	am	440.100	n
	(PP-620; W-1574) (P-1583; A-8801)	440.110	n
125.370	am	440.120	n
	(PP-620; W-1574) (P-1583; A-8801)	440.130	n
125.380	am	440.140	am
	(PP-620; W-1574) (P-1583; A-8801)	440.150	am
125.390	am	440.160	n
	(PP-620; W-1574) (P-1583; A-8801)	440.170	n
125.400	am	440.180	am
	(PP-620; W-1574) (P-1583; A-8801)	440.190	am
125.410	am	440.200	n
	(PP-620; W-1574) (P-1583; A-8801)	440.210	n
125.420	am	440.220	n
	(PP-620; W-1574) (P-1583; A-8801)	440.230	am
125.430	am	440.240	am
	(PP-620; W-1574) (P-1583; A-8801)	440.250	am
125.440	am	440.260	am
	(PP-620; W-1574) (P-1583; A-8801)	440.270	am
125.450	am	440.280	am
	(PP-620; W-1574) (P-1583; A-8801)	440.290	am
125.460	am	440.300	am
	(PP-620; W-1574) (P-1583; A-8801)	440.310	n
125.470	am	440.320	n
	(PP-620; W-1574) (P-1583; A-8801)	440.330	n
125.480	am	440.340	n
	(PP-620; W-1574) (P-1583; A-8801)	440.350	n
125.490	am	440.360	am
	(PP-620; W-1574) (P-1583; A-8801)	440.370	r
125.500	am	440.380	am
	(PP-620; W-1574) (P-1583; A-8801)	440.390	n
125.510	am	440.400	n
	(PP-620; W-1574) (P-1583; A-8801)	440.410	n
125.520	am	440.420	am
	(PP-620; W-1574) (P-1583; A-8801)	440.430	am
125.530	am	440.440	am
	(PP-620; W-1574) (P-1583; A-8801)	440.450	am
125.540	am	440.460	am
	(PP-620; W-1574) (P-1583; A-8801)	440.470	am
125.550	am	440.480	am
	(PP-620; W-1574) (P-1583; A-8801)	440.490	am
125.560	am	440.500	am
	(PP-620; W-1574) (P-1583; A-8801)	440.510	am
125.570	am	440.520	am
	(PP-620; W-1574) (P-1583; A-8801)	440.530	am
125.580	am	440.540	am
	(PP-620; W-1574) (P-1583; A-8801)	440.550	am
125.590	am	440.560	am
	(PP-620; W-1574) (P-1583; A-8801)	440.570	am
125.600	am	440.580	am
	(PP-620; W-1574) (P-1583; A-8801)	440.590	am
125.610	am	440.600	am
	(PP-620; W-1574) (P-1583; A-8801)	440.610	am
125.620	am	440.620	am
	(PP-620; W-1574) (P-1583; A-8801)	440.630	am
125.630	am	440.640	am
	(PP-620; W-1574) (P-1583; A-8801)	440.650	am
125.640	am	440.660	am
	(PP-620; W-1574) (P-1583; A-8801)	440.670	am
125.650	am	440.680	am
	(PP-620; W-1574) (P-1583; A-8801)	440.690	am
125.660	am	440.700	am
	(PP-620; W-1574) (P-1583; A-8801)	440.710	am
125.670	am	440.720	am
	(PP-620; W-1574) (P-1583; A-8801)	440.730	am
125.680	am	440.740	am
	(PP-620; W-1574) (P-1583; A-8801)	440.750	am
125.690	am	440.760	am
	(PP-620; W-1574) (P-1583; A-8801)	440.770	am
125.700	am	440.780	am
	(PP-620; W-1574) (P-1583; A-8801)	440.790	am
125.710	am	440.800	am
	(PP-620; W-1574) (P-1583; A-8801)	440.810	am
125.720	am	440.820	am
	(PP-620; W-1574) (P-1583; A-8801)	440.830	am
125.730	am	440.840	am
	(PP-620; W-1574) (P-1583; A-8801)	440.850	am
125.740	am	440.860	am
	(PP-620; W-1574) (P-1583; A-8801)	440.870	am
125.750	am	440.880	am
	(PP-620; W-1574) (P-1583; A-8801)	440.890	am
125.760	am	440.900	am
	(PP-620; W-1574) (P-1583; A-8801)	440.910	am
125.770	am	440.920	am
	(PP-620; W-1574) (P-1583; A-8801)	440.930	am
125.780	am	440.940	am
	(PP-620; W-1574) (P-1583; A-8801)	440.950	am
125.790	am	440.960	am
	(PP-620; W-1574) (P-1583; A-8801)	440.970	am
125.800	am	440.980	am
	(PP-620; W-1574) (P-1583; A-8801)	440.990	am
125.810	am	440.100	am
	(PP-620; W-1574) (P-1583; A-8801)	440.110	am
125.820	am	440.120	am
	(PP-620; W-1574) (P-1583; A-8801)	440.130	am
125.830	am	440.140	am
	(PP-620; W-1574) (P-1583; A-8801)	440.150	am
125.840	am	440.160	am
	(PP-620; W-1574) (P-1583; A-8801)	440.170	am
125.850	am	440.180	am
	(PP-620; W-1574) (P-1583; A-8801)	440.190	am
125.860	am	440.200	am
	(PP-620; W-1574) (P-1583; A-8801)	440.210	am
125.870	am	440.220	am
	(PP-620; W-1574) (P-1583; A-8801)	440.230	am
125.880	am	440.240	am
	(PP-620; W-1574) (P-1583; A-8801)	440.250	am
125.890	am	440.260	am
	(PP-620; W-1574) (P-1583; A-8801)	440.270	am
125.900	am	440.280	am
	(PP-620; W-1574) (P-1583; A-8801)	440.290	am
125.910	am	440.300	am
	(PP-620; W-1574) (P-1583; A-8801)	440.310	am
125.920	am	440.320	am
	(PP-620; W-1574) (P-1583; A-8801)	440.330	am
125.930	am	440.340	am
	(PP-620; W-1574) (P-1583; A-8801)	440.350	am
125.940	am	440.360	am
	(PP-620; W-1574) (P-1583; A-8801)	440.370	am
125.950	am	440.380	am
	(PP-620; W-1574) (P-1583; A-8801)	440.390	am
125.960	am	440.400	am
	(PP-620; W-1574) (P-1583; A-8801)	440.410	am
125.970	am	440.420	am
	(PP-620; W-1574) (P-1583; A-8801)	440.430	am
125.980	am	440.440	am
	(PP-620; W-1574) (P-1583; A-8801)	440.450	am
125.990	am	440.460	am
	(PP-620; W-1574) (P-1583; A-8801)	440.470	am
126.000	am	440.480	am
	(PP-620; W-1574) (P-1583; A-8801)	440.490	am
126.010	am	440.500	am
	(PP-620; W-1574) (P-1583; A-8801)	440.510	am
126.020	am	440.520	am
	(PP-620; W-1574) (P-1583; A-8801)	440.530	am
126.030	am	440.540	am
	(PP-620; W-1574) (P-1583; A-8801)	440.550	am
126.040	am	440.560	am
	(PP-620; W-1574) (P-1583; A-8801)	440.570	am
126.050	am	440.580	am
	(PP-620; W-1574) (P-1583; A-8801)	440.590	am
126.060	am	440.600	am
	(PP-620; W-1574) (P-1583; A-8801)	440.610	am
126.070	am	440.620	am
	(PP-620; W-1574) (P-1583; A-8801)	440.630	am
126.080	am	440.640	am
	(PP-620; W-1574) (P-1583; A-8801)	440.650	am
126.090	am	440.660	am
	(PP-620; W-1574) (P-1583; A-8801)	440.670	am
126.100	am	440.680	am
	(PP-620; W-1574) (P-1583; A-8801)	440.690	am
126.110	am	440.700	am
	(PP-620; W-1574) (P-1583; A-8801)	440.710	am
126.120	am	440.720	am
	(PP-620; W-1574) (P-1583; A-8801)	440.730	am
126.130	am	440.740	am
	(PP-620; W-1574) (P-1583; A-8801)	440.750	am
126.140	am	440.760	am
	(PP-620; W-1574) (P-1583; A-8801)	440.770	am
126.150	am	440.780	am
	(PP-620; W-1574) (P-1583; A-8801)	440.790	am
126.160	am	440.800	am
	(PP-620; W-1574) (P-1583; A-8801)	440.810	am
126.170	am	440.820	am
	(PP-620; W-1574) (P-1583; A-8801)	440.830	am
126.180	am	440.840	am
	(PP-620; W-1574) (P-1583; A-8801)	440.850	am
126.190	am	440.860	am
	(PP-620; W-1574) (P-1583; A-8801)	440.870	am
126.200	am	440.880	am
	(PP-620; W-1574) (P-1583; A-8801)	440.890	am
126.210	am	440.900	am
	(PP-620; W-1574) (P-1583; A-8801)	440.910	am
126.220	am	440.920	am
	(PP-620; W-1574) (P-1583; A-8801)	440.930	am
126.230	am	440.940	am
	(PP-620; W-1574) (P-1583; A-8801)	440.950	am
126.240	am	440.960	am
	(PP-620; W-1574) (P-1583; A-8801)	440.970	am
126.250	am	440.980	am
	(PP-620; W-1574) (P-1583; A-8801)	440.990	am
126.260	am	440.100	am
	(PP-620; W-1574) (P-1583; A-8801)	440.110	am
126.270	am	440.120	am
	(PP-620; W-1574) (P-1583; A-8801)	440.130	am
126.280	am	440.140	am
	(PP-620; W-1574) (P-1583; A-8801)	440.150	am
126.290	am	440.160	am
	(PP-620; W-1574) (P-1583; A-8801)	440.170	am
126.300	am	440.180	am
	(PP-620; W-1574) (P-1583; A-8801)	440.190	am
126.310	am	440.200	am
	(PP-620; W-1574) (P-1583; A-8801)	440.210	am
126.320	am	440.220	am
	(PP-620; W-1574) (P-1583; A-8801)	440.230	am
126.330	am	440.240	am
	(PP-620; W-1574) (P-1583; A-8801)	440.250	am
126.340	am	440.260	am
	(PP-620; W-1574) (P-1583; A-8801)	440.270	am
126.350	am	440.280	am
	(PP-620; W-1574) (P-1583; A-8801)	440.290	am
126.360	am	440.300	am
	(PP-620; W-1574) (P-1583; A-8801)	440.310	am
126.370	am	440.320	am
	(PP-620; W-1574) (P-1583; A-8801)	440.330	am
126.380	am	440.340	am
	(PP-620; W-1574) (P-1583; A-8801)	440.350	am
126.390	am	440.360	am
	(PP-620; W-1574) (P-1583; A-8801)	440.370	am
126.400	am	440.380	am
	(PP-620; W-1574) (P-1583; A-8801)	440.390	am
126.410	am	440.400	am
	(PP-620; W-1574) (P-1583; A-8801)	440.410	am
126.420	am	440.420	am
	(PP-620; W-1574) (P-1583; A-8801)	440.430	am
126.430	am	440.440	am
	(PP-620; W-1574) (P-1583; A-8801)	440.450	am
126.440	am	440.460	am
	(PP-620; W-1574) (P-1583; A-8801)	440.470	am
126.450	am	440.480	am
	(PP-620; W-1574) (P-1583; A-8801)	440.490	am
126.460	am	440.500	am
	(PP-620; W-1574) (P-1583; A-8801)	440.510	am
126.470	am	440.520	am
	(PP-620; W-1574) (P-1583; A-8801)	440.530	am
126.480	am	440.540	am
	(PP-620; W-1574) (P-1583; A-8801)	440.550	am
126.490	am	440.560	am
	(PP-620; W-1574) (P-1583; A-8801)	440.570	am
126.500	am	440.580	am
	(PP-620; W-1574) (P-1583; A-8801)	440.590	am
126.510	am	440.600	am
	(PP-620; W-1574) (P-1583; A-8801)	440.610	am
126.520	am	440.620	am
	(PP-620; W-1574) (P-1583; A-8801)	440.630	am
126.530	am	440.640	am
	(PP-620; W-1574) (P-1583; A-8801)	440.650	am
126.540	am	440.660	am

[illegible][illegible]

TITLE 35 (CONT'D)

218.923	n	(P-3675; A-12231)
218.926	n	(P-3675; A-12231)
218.927	n	(P-3675; A-12231)
218.928	n	(P-3675; A-12231)
218.940	n	(P-3675; A-12231)
218.943	n	(P-3675; A-12231)
218.946	n	(P-3675; A-12231)
218.947	n	(P-3675; A-12231)
218.948	n	(P-3675; A-12231)
218.960	n	(P-3675; A-12231)
218.963	n	(P-3675; A-12231)
218.966	n	(P-3675; A-12231)
218.967	n	(P-3675; A-12231)
218.968	n	(P-3675; A-12231)
218.980	n	(P-3675; A-12231)
218.983	n	(P-3675; A-12231)
218.986	n	(P-3675; A-12231)
218.987	n	(P-3675; A-12231)
218.988	n	(P-3675; A-12231)
218.990	n	(P-3675; A-12231)
218.991	n	(P-3675; A-12231)
218.Ap. A	n	(P-3675; A-12231)
218.Ap. B	n	(P-3675; A-12231)
218.Ap. C	n	(P-3675; A-12231)
218.Ap. D	n	(P-3675; A-12231)
219.100	n	(P-3675; A-12231)
219.101	n	(P-3675; A-12231)
219.102	n	(P-3675; A-12231)
219.103	n	(P-3675; A-12231)
219.104	n	(P-3675; A-12231)
219.105	n	(P-3675; A-12231)
219.106	n	(P-3675; A-12231)
219.107	n	(P-3675; A-12231)
219.108	n	(P-3675; A-12231)
219.109	n	(P-3675; A-12231)
219.110	n	(P-3675; A-12231)
219.111	n	(P-3675; A-12231)
219.112	n	(P-3675; A-12231)
219.121	n	(P-3675; A-12231)
219.122	n	(P-3675; A-12231)
219.123	n	(P-3675; A-12231)
219.124	n	(P-3675; A-12231)
219.125	n	(P-3675; A-12231)
219.126	n	(P-3675; A-12231)
219.127	n	(P-3675; A-12231)
219.128	n	(P-3675; A-12231)
219.141	n	(P-3675; A-12231)
219.142	n	(P-3675; A-12231)
219.143	n	(P-3675; A-12231)
219.144	n	(P-3675; A-12231)
219.181	n	(P-3675; A-12231)
219.182	n	(P-3675; A-12231)
219.183	n	(P-3675; A-12231)
219.184	n	(P-3675; A-12231)
219.185	n	(P-3675; A-12231)
219.186	n	(P-3675; A-12231)
219.204	n	(P-3675; A-12231)
219.205	n	(P-3675; A-12231)
219.206	n	(P-3675; A-12231)
219.207	n	(P-3675; A-12231)
219.208	n	(P-3675; A-12231)
219.209	n	(P-3675; A-12231)
219.210	n	(P-3675; A-12231)

[illegible]

TITLE 35 (CONT'D)

230.190	r	(P-741; A-17681)	231.180	r	(P-730; A-17676)
230.190	r	(P-741; A-17681)	231.190	r	(P-730; A-17676)
230.200	r	(P-741; A-17681)	231.200	r	(P-730; A-17676)
230.210	r	(P-741; A-17681)	231.210	r	(P-730; A-17676)
230.211	r	(P-741; A-17681)	231.220	r	(P-730; A-17676)
230.212	r	(P-741; A-17681)	231.230	r	(P-730; A-17676)
230.220	r	(P-741; A-17681)	231.240	r	(P-730; A-17676)
230.220	r	(P-741; A-17681)	231.250	r	(P-730; A-17676)
230.230	r	(P-741; A-17681)	231.260	r	(P-730; A-17676)
230.230	r	(P-741; A-17681)	231.320	r	(P-730; A-17676)
230.240	r	(P-741; A-17681)	231.320	r	(P-730; A-17676)
230.241	r	(P-741; A-17681)	231.330	r	(P-730; A-17676)
230.250	r	(P-741; A-17681)	231.Tb.A	r	(P-730; A-17676)
230.260	r	(P-741; A-17681)	231.Ap.A	r	(P-730; A-17676)
230.270	r	(P-741; A-17681)	231.Ap.B	r	(P-730; A-17676)
230.280	r	(P-741; A-17681)	231.Ap.C	r	(P-730; A-17676)
230.290	r	(P-741; A-17681)	232.100	n	(P-14969)
230.300	r	(P-741; A-17681)	232.110	n	(P-14969)
230.310	r	(P-741; A-17681)	232.120	n	(P-14969)
230.320	r	(P-741; A-17681)	232.130	n	(P-14969)
230.330	r	(P-741; A-17681)	232.200	n	(P-14969)
230.340	r	(P-741; A-17681)	232.210	n	(P-14969)
230.350	r	(P-741; A-17681)	232.300	n	(P-14969)
230.360	r	(P-741; A-17681)	232.310	n	(P-14969)
230.370	r	(P-741; A-17681)	232.320	n	(P-14969)
230.371	r	(P-741; A-17681)	232.400	n	(P-14969)
230.380	r	(P-741; A-17681)	232.410	n	(P-14969)
230.390	r	(P-741; A-17681)	232.500	n	(P-14969)
230.400	r	(P-741; A-17681)	232.Ap. A	n	(P-14969)
230.410	r	(P-741; A-17681)	232.Ap. B	n	(P-14969)
230.430	r	(P-741; A-17681)	232.Ap. C	n	(P-14969)
230.440	r	(P-741; A-17681)	240.102	am	(P-12109)
230.470	r	(P-741; A-17681)	240.122	am	(P-12109)
230.480	r	(P-741; A-17681)	240.140	n	(P-12109)
230.490	r	(P-741; A-17681)	240.141	n	(P-12109)
230.500	r	(P-741; A-17681)	240.142	n	(P-12109)
230.520	r	(P-741; A-17681)	240.143	n	(P-12109)
230.530	r	(P-741; A-17681)	240.144	n	(P-12109)
230.540	r	(P-741; A-17681)	240.145	n	(P-12109)
230.550	r	(P-741; A-17681)	240.146	n	(P-12109)
230.560	r	(P-741; A-17681)	240.147	n	(P-12109)
230.570	r	(P-741; A-17681)	240.148	n	(P-12109)
230.580	r	(P-741; A-17681)	241.100	n	(P-17863)
230.590	r	(P-741; A-17681)	241.101	n	(P-17863)
230.600	r	(P-741; A-17681)	241.102	n	(P-17863)
230.680	r	(P-741; A-17681)	241.103	n	(P-17863)
230.690	r	(P-741; A-17681)	241.120	n	(P-17863)
230.700	r	(P-741; A-17681)	241.121	n	(P-17863)
230.720	r	(P-741; A-17681)	241.122	n	(P-17863)
230.730	r	(P-741; A-17681)	241.123	n	(P-17863)
230.740	r	(P-741; A-17681)	241.140	n	(P-17863)
230.780	r	(P-741; A-17681)	241.160	n	(P-17863)
230.Tb.A	r	(P-741; A-17681)	241.161	n	(P-17863)
230.Tb.B	r	(P-741; A-17681)	241.180	n	(P-17863)
230.Ap.A	r	(P-741; A-17681)	241.181	n	(P-17863)
230.Ap.B	r	(P-741; A-17681)	241.Ap. A	n	(P-17863)
230.Ap.C	r	(P-741; A-17681)	Tb. I	n	(P-17863)
230.Ap.F	r	(P-741; A-17681)	Tb. II	n	(P-17863)
231.110	r	(P-730; A-17676)	Tb. III	n	(P-17863)
231.120	r	(P-730; A-17676)	241.Ap. B	n	(P-17863)
231.122	r	(P-730; A-17676)	Tb. I	n	(P-17863)
231.130	r	(P-730; A-17676)	270.10	n	(P-14845)
231.140	r	(P-730; A-17676)	270.20	n	(P-14845)
231.150	r	(P-730; A-17676)	270.30	n	(P-14845)
231.160	r	(P-730; A-17676)	270.40	n	(P-14845)

TITLE 35 (CONT'D)					
270.50	n	(P-14845)	501.200	n	(P-3141; A-10075)
270.60	n	(P-14845)	501.246	n	(P-3141; A-10075)
270.70	n	(P-14845)	501.248	n	(P-3141; A-10075)
270.80	n	(P-14845)	501.274	n	(P-3141; A-10075)
276.101	am	(P-13607)	501.317	n	(P-3141; A-10075)
276.102	am	(P-13607)	501.330	am	(P-3141; A-10075)
276.204	am	(P-13607)	501.342	n	(P-3141; A-10075)
276.206	am	(P-13607)	501.356	n	(P-3141; A-10075)
276.301	am	(P-13607)	501.372	n	(P-3141; A-10075)
276.303	am	(P-13607)	501.402	am	(P-3141; A-10075)
276.304	am	(P-13607)	501.404	am	(P-3141; A-10075)
276.307	am	(P-13607)	501.405	am	(P-3141; A-10075)
276.308	am	(P-13607)	601.105	am	(P-9829; O-17792)
276.309	#	(P-13607)	611.325	am	(P-1715490; A-15662)
276.310	#	(P-13607)	611.521	am	(P-1715490; A-15662)
276.311	am	(P-13607)	615.101	n	(P-10303; O-17791)
276.311	#	(P-13607)	615.102	n	(P-10303; O-17791)
276.401	am	(P-13607)	615.103	n	(P-10303; O-17791)
276.402	am	(P-13607)	615.104	n	(P-10303; O-17791)
276.701	am	(P-13607)	615.105	n	(P-10303; O-17791)
276.702	am	(P-13607)	615.201	n	(P-10303; O-17791)
276.703	am	(P-13607)	615.202	n	(P-10303; O-17791)
303.203	am	(P-17026)	615.203	n	(P-10303; O-17791)
304.211	n	(P-970090; A-241)	615.204	n	(P-10303; O-17791)
307.1101	am	(P-17523)	615.205	n	(P-10303; O-17791)
307.2400	am	(P-17523)	615.206	n	(P-10303; O-17791)
307.2401	am	(P-17523)	615.207	n	(P-10303; O-17791)
307.2402	am	(P-17523)	615.208	n	(P-10303; O-17791)
307.2403	am	(P-17523)	615.209	n	(P-10303; O-17791)
307.2404	am	(P-17523)	615.210	n	(P-10303; O-17791)
307.2405	am	(P-17523)	615.211	n	(P-10303; O-17791)
307.2406	am	(P-17523)	615.301	n	(P-10303; O-17791)
307.2407	am	(P-17523)	615.302	n	(P-10303; O-17791)
307.2490	am	(P-17523)	615.303	n	(P-10303; O-17791)
307.3100	am	(P-17523)	615.304	n	(P-10303; O-17791)
307.3109	am	(P-17523)	615.305	n	(P-10303; O-17791)
307.3115	am	(P-17523)	615.306	n	(P-10303; O-17791)
307.3119	am	(P-17523)	615.307	n	(P-10303; O-17791)
307.3120	am	(P-17523)	615.401	n	(P-10303; O-17791)
307.3124	am	(P-17523)	615.402	n	(P-10303; O-17791)
307.3129	am	(P-17523)	615.403	n	(P-10303; O-17791)
309.103	am	(P-17471)	615.404	n	(P-10303; O-17791)
310.105	am	(P-17481)	615.421	n	(P-10303; O-17791)
310.107	am	(P-17481)	615.422	n	(P-10303; O-17791)
310.110	am	(P-17481)	615.423	n	(P-10303; O-17791)
310.201	am	(P-17481)	615.424	n	(P-10303; O-17791)
310.202	am	(P-17481)	615.425	n	(P-10303; O-17791)
310.210	am	(P-17481)	615.441	n	(P-10303; O-17791)
310.220	am	(P-17481)	615.442	n	(P-10303; O-17791)
310.221	am	(P-17481)	615.443	n	(P-10303; O-17791)
310.222	am	(P-17481)	615.444	n	(P-10303; O-17791)
310.230	am	(P-17481)	615.445	n	(P-10303; O-17791)
310.232	am	(P-17481)	615.446	n	(P-10303; O-17791)
310.233	am	(P-17481)	615.447	n	(P-10303; O-17791)
310.330	am	(P-17481)	615.461	n	(P-10303; O-17791)
310.510	am	(P-17481)	615.462	n	(P-10303; O-17791)
310.611	am	(P-17481)	615.463	n	(P-10303; O-17791)
310.613	am	(P-17481)	615.501	n	(P-10303; O-17791)
310.633	am	(P-17481)	615.502	n	(P-10303; O-17791)
310.635	am	(P-17481)	615.601	n	(P-10303; O-17791)
360.601	am	(P-15202)	615.602	n	(P-10303; O-17791)
501.102	am	(P-15202)	615.603	n	(P-10303; O-17791)
501.102	am	(P-3141; A-10075)	615.604	n	(P-10303; O-17791)
			615.621	n	(P-10303; O-17791)

TITLE 35 (CONT'D)		TITLE 35 (CONT'D)		TITLE 35 (CONT'D)	
728.953	(P-2414; A-9654)	728.143	(P-2209; A-9462)	848.408	(P-7763/90; A-7959)
728.954	(P-2414; A-9654)	728 Ap.D	(P-2209; A-9462)	848.410	(P-7763/90; A-7959)
728.955	(P-2414; A-9654)	728 Ap.E	(P-2209; A-9462)	848.413	(P-7763/90; A-7959)
728.956	(P-2414; A-9654)	728 Ap.F	(P-2209; A-9462)	848.415	(P-7763/90; A-7959)
728.957	(P-2414; A-9654)	728 Ap.G	(P-2209; A-9462)	848.501	(P-7763/90; A-7959)
728.958	(P-2414; A-9654)	728 Ap.H	(P-2209; A-9462)	848.502	(P-7763/90; A-7959)
728.959	(P-2414; A-9654)	728 Tb.A	(A-11937; W-14716)	848.503	(P-7763/90; A-7959)
728.960	(P-2414; A-9654)	728 Tb.B	(P-2209; A-9462)	848.504	(P-7763/90; A-7959)
728.961	(P-2414; A-9654)	728 Tb.C	(P-2209; A-9462)	848.505	(P-7763/90; A-7959)
728.962	(P-2414; A-9654)	728 Tb.D	(P-2209; A-9462)	848.506	(P-7763/90; A-7959)
728.963	(P-2414; A-9654)	728 Tb.E	(P-2209; A-9462)	848.507	(P-7763/90; A-7959)
728.964	(P-2414; A-9654)	731.113	(P-6424; A-13800)	848.508	(P-7763/90; A-7959)
728.965	(P-2414; A-9654)	731.140	(P-6424; A-13800)	848.509	(P-7763/90; A-7959)
728.966	(P-2414; A-9654)	731.141	(P-6424; A-13800)	848.601	(P-7763/90; A-7959)
728.967	(P-2414; A-9654)	731.142	(P-6424; A-13800)	848.602	(P-7763/90; A-7959)
728.968	(P-2414; A-9654)	731.143	(P-6424; A-13800)	848.603	(P-7763/90; A-7959)
728.969	(P-2414; A-9654)	731.144	(P-6424; A-13800)	848.604	(P-7763/90; A-7959)
728.970	(P-2414; A-9654)	731.145	(P-6424; A-13800)	848.605	(P-7763/90; A-7959)
728.971	(P-2414; A-9654)	731.146	(P-6424; A-13800)	848.606	(P-7763/90; A-7959)
728.972	(P-2414; A-9654)	731.147	(P-6424; A-13800)	848.607	(P-7763/90; A-7959)
728.973	(P-2414; A-9654)	731.148	(P-6424; A-13800)	848.608	(P-7763/90; A-7959)
728.974	(P-2414; A-9654)	731.149	(P-6424; A-13800)	848.609	(P-7763/90; A-7959)
728.975	(P-2414; A-9654)	731.150	(P-6424; A-13800)	848.610	(P-7763/90; A-7959)
728.976	(P-2414; A-9654)	731.151	(P-6424; A-13800)	848.611	(P-7763/90; A-7959)
728.977	(P-2414; A-9654)	731.152	(P-6424; A-13800)	848.612	(P-7763/90; A-7959)
728.978	(P-2414; A-9654)	731.153	(P-6424; A-13800)	848.613	(P-7763/90; A-7959)
728.979	(P-2414; A-9654)	731.154	(P-6424; A-13800)	848.614	(P-7763/90; A-7959)
728.980	(P-2414; A-9654)	731.155	(P-6424; A-13800)	848.615	(P-7763/90; A-7959)
728.981	(P-2414; A-9654)	731.156	(P-6424; A-13800)	848.616	(P-7763/90; A-7959)
728.982	(P-2414; A-9654)	731.157	(P-6424; A-13800)	848.617	(P-7763/90; A-7959)
728.983	(P-2414; A-9654)	731.158	(P-6424; A-13800)	848.618	(P-7763/90; A-7959)
728.984	(P-2414; A-9654)	731.159	(P-6424; A-13800)	848.619	(P-7763/90; A-7959)
728.985	(P-2414; A-9654)	731.160	(P-6424; A-13800)	848.620	(P-7763/90; A-7959)
728.986	(P-2414; A-9654)	731.161	(P-6424; A-13800)	848.621	(P-7763/90; A-7959)
728.987	(P-2414; A-9654)	731.162	(P-6424; A-13800)	848.622	(P-7763/90; A-7959)
728.988	(P-2414; A-9654)	731.163	(P-6424; A-13800)	848.623	(P-7763/90; A-7959)
728.989	(P-2414; A-9654)	731.164	(P-6424; A-13800)	848.624	(P-7763/90; A-7959)
728.990	(P-2414; A-9654)	731.165	(P-6424; A-13800)	848.625	(P-7763/90; A-7959)
728.991	(P-2414; A-9654)	731.166	(P-6424; A-13800)	848.626	(P-7763/90; A-7959)
728.992	(P-2414; A-9654)	731.167	(P-6424; A-13800)	848.627	(P-7763/90; A-7959)
728.993	(P-2414; A-9654)	731.168	(P-6424; A-13800)	848.628	(P-7763/90; A-7959)
728.994	(P-2414; A-9654)	731.169	(P-6424; A-13800)	848.629	(P-7763/90; A-7959)
728.995	(P-2414; A-9654)	731.170	(P-6424; A-13800)	848.630	(P-7763/90; A-7959)
728.996	(P-2414; A-9654)	731.171	(P-6424; A-13800)	848.631	(P-7763/90; A-7959)
728.997	(P-2414; A-9654)	731.172	(P-6424; A-13800)	848.632	(P-7763/90; A-7959)
728.998	(P-2414; A-9654)	731.173	(P-6424; A-13800)	848.633	(P-7763/90; A-7959)
728.999	(P-2414; A-9654)	731.174	(P-6424; A-13800)	848.634	(P-7763/90; A-7959)
729.000	(P-2414; A-9654)	731.175	(P-6424; A-13800)	848.635	(P-7763/90; A-7959)
729.001	(P-2414; A-9654)	731.176	(P-6424; A-13800)	848.636	(P-7763/90; A-7959)
729.002	(P-2414; A-9654)	731.177	(P-6424; A-13800)	848.637	(P-7763/90; A-7959)
729.003	(P-2414; A-9654)	731.178	(P-6424; A-13800)	848.638	(P-7763/90; A-7959)
729.004	(P-2414; A-9654)	731.179	(P-6424; A-13800)	848.639	(P-7763/90; A-7959)
729.005	(P-2414; A-9654)	731.180	(P-6424; A-13800)	848.640	(P-7763/90; A-7959)
729.006	(P-2414; A-9654)	731.181	(P-6424; A-13800)	848.641	(P-7763/90; A-7959)
729.007	(P-2414; A-9654)	731.182	(P-6424; A-13800)	848.642	(P-7763/90; A-7959)
729.008	(P-2414; A-9654)	731.183	(P-6424; A-13800)	848.643	(P-7763/90; A-7959)
729.009	(P-2414; A-9654)	731.184	(P-6424; A-13800)	848.644	(P-7763/90; A-7959)
729.010	(P-2414; A-9654)	731.185	(P-6424; A-13800)	848.645	(P-7763/90; A-7959)
729.011	(P-2414; A-9654)	731.186	(P-6424; A-13800)	848.646	(P-7763/90; A-7959)
729.012	(P-2414; A-9654)	731.187	(P-6424; A-13800)	848.647	(P-7763/90; A-7959)
729.013	(P-2414; A-9654)	731.188	(P-6424; A-13800)	848.648	(P-7763/90; A-7959)
729.014	(P-2414; A-9654)	731.189	(P-6424; A-13800)	848.649	(P-7763/90; A-7959)
729.015	(P-2414; A-9654)	731.190	(P-6424; A-13800)	848.650	(P-7763/90; A-7959)
729.016	(P-2414; A-9654)	731.191	(P-6424; A-13800)	848.651	(P-7763/90; A-7959)
729.017	(P-2414; A-9654)	731.192	(P-6424; A-13800)	848.652	(P-7763/90; A-7959)
729.018	(P-2414; A-9654)	731.193	(P-6424; A-13800)	848.653	(P-7763/90; A-7959)
729.019	(P-2414; A-9654)	731.194	(P-6424; A-13800)	848.654	(P-7763/90; A-7959)
729.020	(P-2414; A-9654)	731.195	(P-6424; A-13800)	848.655	(P-7763/90; A-7959)
729.021	(P-2414; A-9654)	731.196	(P-6424; A-13800)	848.656	(P-7763/90; A-7959)
729.022	(P-2414; A-9654)	731.197	(P-6424; A-13800)	848.657	(P-7763/90; A-7959)
729.023	(P-2414; A-9654)	731.198	(P-6424; A-13800)	848.658	(P-7763/90; A-7959)
729.024	(P-2414; A-9654)	731.199	(P-6424; A-13800)	848.659	(P-7763/90; A-7959)
729.025	(P-2414; A-9654)	731.200	(P-6424; A-13800)	848.660	(P-7763/90; A-7959)
729.026	(P-2414; A-9654)	731.201	(P-6424; A-13800)	848.661	(P-7763/90; A-7959)
729.027	(P-2414; A-9654)	731.202	(P-6424; A-13800)	848.662	(P-7763/90; A-7959)
729.028	(P-2414; A-9654)	731.203	(P-6424; A-13800)	848.663	(P-7763/90; A-7959)
729.029	(P-2414; A-9654)	731.204	(P-6424; A-13800)	848.664	(P-7763/90; A-7959)
729.030	(P-2414; A-9654)	731.205	(P-6424; A-13800)	848.665	(P-7763/90; A-7959)
729.031	(P-2414; A-9654)	731.206	(P-6424; A-13800)	848.666	(P-7763/90; A-7959)
729.032	(P-2414; A-9654)	731.207	(P-6424; A-13800)	848.667	(P-7763/90; A-7959)
729.033	(P-2414; A-9654)	731.208	(P-6424; A-13800)	848.668	(P-7763/90; A-7959)
729.034	(P-2414; A-9654)	731.209	(P-6424; A-13800)	848.669	(P-7763/90; A-7959)
729.035	(P-2414; A-9654)	731.210	(P-6424; A-13800)	848.670	(P-7763/90; A-7959)
729.036	(P-2414; A-9654)	731.211	(P-6424; A-13800)	848.671	(P-7763/90; A-7959)
729.037	(P-2414; A-9654)	731.212	(P-6424; A-13800)	848.672	(P-7763/90; A-7959)
729.038	(P-2414; A-9654)	731.213	(P-6424; A-13800)	848.673	(P-7763/90; A-7959)
729.039	(P-2414; A-9654)	731.214	(P-6424; A-13800)	848.674	(P-7763/90; A-7959)
729.040	(P-2414; A-9654)	731.215	(P-6424; A-13800)	848.675	(P-7763/90; A-7959)
729.041	(P-2414; A-9654)	731.216	(P-6424; A-13800)	848.676	(P-7763/90; A-7959)
729.042	(P-2414; A-9654)	731.217	(P-6424; A-13800)	848.677	(P-7763/90; A-7959)
729.043	(P-2414; A-9654)	731.218	(P-6424; A-13800)	848.678	(P-7763/90; A-7959)
729.044	(P-2414; A-9654)	731.219	(P-6424; A-13800)	848.679	(P-7763/90; A-7959)
729.045	(P-2414; A-9654)	731.220	(P-6424; A-13800)	848.680	(P-7763/90; A-7959)
729.046	(P-2414; A-9654)	731.221	(P-6424; A-13800)	848.681	(P-7763/90; A-7959)
729.047	(P-2414; A-9654)	731.222	(P-6424; A-13800)	848.682	(P-7763/90; A-7959)
729.048	(P-2414; A-9654)	731.223	(P-6424; A-13800)	848.683	(P-7763/90; A-7959)
729.049	(P-2414; A-9654)	731.224	(P-6424; A-13800)	848.684	(P-7763/90; A-7959)
729.050	(P-2414; A-9654)	731.225	(P-6424; A-13800)	848.685	(P-7763/90; A-7959)
729.051	(P-2414; A-9654)	731.226	(P-6424; A-13800)	848.686	(P-7763/90; A-7959)
729.052	(P-2414; A-9654)	731.227	(P-6424; A-13800)	848.687	(P-7763/90; A-7959)
729.053	(P-2414; A-9654)	731.228	(P-6424; A-13800)	848.688	(P-7763/90; A-7959)
729.054	(P-2414; A-9654)	731.229	(P-6424; A-13800)	848.689	(P-7763/90; A-7959)
729.055	(P-2414; A-9654)	731.230	(P-6424; A-13800)	848.690	(P-7763/90; A-7959)
729.056	(P-2414; A-9654)	731.231	(P-6424; A-13800)	848.691	(P-7763/90; A-7959)
729.057	(P-2414; A-9654)	731.232	(P-6424; A-13800)	848.692	(P-7763/90; A-7959)
729.058	(P-2414; A-9654)	731.233	(P-6424; A-13800)	848.693	(P-7763/90; A-7959)
729.059	(P-2414; A-9654)	731.234	(P-6424; A-13800)	848.694	(P-7763/90; A-7959)
729.060	(P-2414; A-9654)	731.235	(P-6424; A-13800)	848.695	(P-7763/90; A-7959)
729.061	(P-2414; A-9654)	731.236	(P-6424; A-13800)	848.696	(P-7763/90; A-7959)
729.062	(P-2414; A-9654)	731.237	(P-6424; A-13800)	848.697	(P-7763/90; A-7959)
729.063	(P-2414; A-9654)	731.238	(P-6424; A-13800)	848.698	(P-7763/90; A-7959)
729.064	(P-2414; A-9654)	731.239	(P-6424; A-13800)	848.699	(P-7763/90; A-7959)
729.065	(P-2414; A-9654)	731.240	(P-6424; A-13800)	848.700	(P-7763/90; A-7959)
729.066	(P-2414; A-9654)	731.241	(P-6424; A-13800)	848.701	(P-7763/90; A-7959)
729.067	(P-2414; A-9654)	731.242	(P-6424; A-13800)	848.702	(P-7763/90; A-7959)
729.068	(P-2414; A-9654)	731.243	(P-6424; A-13800)	848.703	(P-7763/90; A-7959)
729.069	(P-2414; A-9654)	731.244	(P-6424; A-13800)	848.704	(P-7763/90; A-7959)
729.070	(P-2414; A-9654)	731.245	(P-6424; A-13800)	848.705	(P-7763/90; A-7959)
729.071	(P-2414; A-9654)	731.246	(P-6424; A-13800)	848.706	(P-7763/90; A-7959)
729.072	(P-2414; A-9654)	731.247	(P-6424; A-13800)	848.707	(P-7763/90; A-7959)
729.073	(P-2414; A-9654)	731.248	(P-6424; A-13800)	848.708	(P-7763/90; A-7959)
729.074	(P-2414; A-9654)	731.249	(P-6424; A-13800)	848.709	(P-7763/90; A-7959)
729.075	(P-2414; A-9654)	731.250	(P-6424; A-13800)	848.710	(P-7763/90; A-7959)
729.076	(P-2414; A-9654)	731.251	(P-6424; A-13800)	848.711	(P-7763/90; A-7959)
729.077	(P-2414; A-9654)	731.252	(P-6424; A-13800)	848.712	(P-7763/90; A-7959)
729.078	(P-2414; A-9654)	731.253	(P-6424; A-13800)	848.713	(P-7763/90; A-7959)
729.079					

TITLE 38 (CONT'D)			TITLE 47 (CONT'D)			TITLE 50		
1075.1440	n	(P-1475890; A-1916)	100.106	r	(P-14337; E-14604)	140.60	r	(P-13241)
1075.1445	n	(P-1475890; A-1916)	100.110	am	(P-1518990; O-1575; A-3437)	350.205	am	(P-9282; A-17110)
1075.1450	n	(P-1475890; A-1916)	100.111	am	(P-14337; E-14604)	350.206	am	(P-9282; A-17110)
1075.1500	n	(P-1475890; A-1916)	100.111	am	(P-1518990; O-1575; R-3603; A-3437)	360.102	am	(P-9260; A-17088)
1075.1510	n	(P-1475890; A-1916)	100.111	am	(P-1518990; O-1575; R-3603; A-3437)	360.103	am	(P-9260; A-17088)
1075.1520	n	(P-1475890; A-1916)	100.111	r	(P-14337; E-14604)	360.104	am	(P-9260; A-17088)
1075.1530	n	(P-1475890; A-1916)	100.111	am	(P-1518990; O-1575; R-3603; A-3437)	360.106	am	(P-9260; A-17088)
1075.1540	n	(P-1475890; A-1916)	100.113	am	(P-14337; E-14604)	360.202	am	(P-9260; A-17088)
1075.1550	n	(P-1475890; A-1916)	100.115	am	(P-1518990; O-1575; R-3603; A-3437)	360.302	am	(P-9260; A-17088)
1075.1600	n	(P-1475890; A-1916)	100.117	r	(P-14337; E-14604)	360.305	am	(P-9260; A-17088)
1075.1610	n	(P-1475890; A-1916)	100.117	r	(P-1518990; O-1575; R-3603; A-3437)	360.306	r	(P-9260; A-17088)
1075.1620	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.307	#	(P-9260; A-17088)
1075.1630	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.307	am	(P-9260; A-17088)
1075.1640	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.308	#	(P-9260; A-17088)
1075.1650	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.309	#	(P-9260; A-17088)
1075.1660	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	#	(P-9260; A-17088)
1075.1670	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1680	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1690	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1700	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1710	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1720	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1730	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1740	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1750	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1760	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1770	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1780	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1790	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9260; A-17088)
1075.1800	n	(P-1475890; A-1916)	100.120	am	(P-14337; E-14604)	360.310	am	(P-9260; A-17088)
1075.1810	n	(P-1475890; A-1916)	100.120	am	(P-1518990; O-1575; R-3603; A-3437)	360.310	am	(P-9

TITLE 62 (CONT'D)		TITLE 62 (CONT'D)	
1778.14	am	(P-1342)	1150.60
1780.16	am	(P-1374)	1150.65
1780.37	am	(P-1374)	1150.70
1780.39	am	(P-1374)	1150.80
1784.21	n	(P-1382)	1150.90
1784.24	am	(P-1382)	1150.100
1784.30	am	(P-1382)	1150.110
1816.49	n	(P-1266)	1150.11.A
1816.68	am	(P-1266)	1200.30
1816.84	am	(P-1266)	1240.16
1816.111	am	(P-1266)	1240.40
1816.117	am	(P-1266)	1240.50
1816.117	am	(P-1266)	1250.110
1816.150	am	(P-1266)	1250.120
1816.151	am	(P-1266)	1250.130
1816.151	n	(P-1266)	1250.135
1816.151	am	(P-1266)	1250.140
1816.151	am	(P-1266)	1250.150
1817.49	am	(P-1314)	1250.155
1817.68	am	(P-1314)	1250.160
1817.84	am	(P-1314)	1250.170
1817.116	am	(P-1314)	1250.190
1817.117	am	(P-1314)	1250.200
1817.150	am	(P-1314)	1250.205
1817.151	am	(P-1314)	1250.210
1823.14	am	(P-1368)	1250.220
1823.15	am	(P-1368)	1270.5
2501.7	am	(P-141; A-6513)	1275.10
2501.10	am	(P-141; A-6513)	1275.15
2501.13	am	(P-141; A-6513)	1275.20
2501.16	am	(P-141; A-6513)	1275.25
2501.19	am	(P-141; A-6513)	1275.30
2501.25	am	(P-141; A-6513)	1275.35
TITLE 68		TITLE 68	
870.100	n	(P-12094)	1275.40
870.110	n	(P-12094)	1275.45
870.115	n	(P-12094)	1275.50
870.120	n	(P-12094)	1275.60
870.200	n	(P-12094)	1275.65
870.205	n	(P-12094)	1275.70
870.210	n	(P-12094)	1275.80
870.215	n	(P-12094)	1275.90
870.220	n	(P-12094)	1285.20
870.225	n	(P-12094)	1285.40
870.230	n	(P-12094)	1285.50
870.235	n	(P-12094)	1285.60
870.240	n	(P-12094)	1285.70
870.245	n	(P-12094)	1285.80
870.300	n	(P-12094)	1285.90
870.305	n	(P-12094)	1285.95
870.310	n	(P-12094)	1285.105
870.315	n	(P-12094)	1285.120
870.320	n	(P-12094)	1300.30
870.400	n	(P-12094)	1340.15
870.405	n	(P-12094)	1340.20
870.500	n	(P-12094)	1340.30
870.505	n	(P-12094)	1340.40
870.510	n	(P-12094)	1340.50
1150.20	am	(P-2492)	1340.55
1150.30	am	(P-2492)	
1150.40	am	(P-2492)	
1150.50	am	(P-2492)	

240.1320	rc	(A-8566)	
240.1330	rc	(A-8566)	
240.1340	rc	(A-8566)	
240.1350	rc	(A-8566)	
240.1360	rc	(A-8566)	
240.1370	rc	(A-8566)	
240.1380	rc	(A-8566)	
240.1385	rc	(A-8566)	
240.1390	rc	(A-8566)	
240.1395	rc	(A-8566)	
240.1400	rc	(A-8566)	
240.1400	rc	(A-8566)	
240.1400	rc	(A-8566)	
240.1400	rc	(A-8566)	
240.1405	rc	(A-8566)	
240.1410	rc	(A-8566)	
240.1410	rc	(A-8566)	
240.1410	rc	(A-8566)	
240.1420	rc	(A-8566)	
240.1420	rc	(A-8566)	
240.1420	rc	(A-8566)	
240.1420	rc	(A-8566)	
240.1430	rc	(A-8566)	
240.1430	rc	(A-8566)	
240.1430	rc	(A-8566)	
240.1440	rc	(A-8566)	
240.1440	rc	(A-8566)	
240.1440	rc	(A-8566)	
240.1440	rc	(A-8566)	
240.1450	rc	(A-8566)	
240.1450	rc	(A-8566)	
240.1450	rc	(A-8566)	
240.1460	rc	(A-8566)	
240.1460	rc	(A-8566)	
240.1470	rc	(A-8566)	
240.1470	rc	(A-8566)	
240.1500	rc	(A-8566)	
240.1500	rc	(A-8566)	
240.1500	rc	(A-8566)	
240.1510	rc	(A-8566)	
240.1510	rc	(A-8566)	
240.1520	rc	(A-8566)	
240.1530	rc	(A-8566)	
1700.11	am	(P-1235)	
1701.Ap. A	am	(P-1242)	
1702.1	n	(P-1221)	
1702.5	n	(P-1221)	
1702.10	n	(P-1221)	
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220.110	am	(P-19706/90; A-5783)	390.110	am	(P-19746/90; A-5815)
220.115	am	(P-19706/90; A-5783)	420.50	am	(P-15762/90; A-3498)
220.120	am	(P-19706/90; A-5783)	420.90	am	(P-15762/90; A-3498)
220.125	am	(P-19706/90; A-5783)	430.100	am	(P-1724; A-10944)
220.130	am	(P-19717/90; A-5796)	430.110	am	(P-1724; A-10944)
230.101	am	(P-19717/90; A-5796)	430.120	am	(P-1724; A-10944)
230.105	am	(P-19717/90; A-5796)	430.130	am	(P-1724; A-10944)
230.110	am	(P-19717/90; A-5796)	430.160	am	(P-1724; A-10944)
230.115	am	(P-19717/90; A-5796)	430.180	am	(P-1724; A-10944)
230.120	am	(P-19717/90; A-5796)	430.190	am	(P-1724; A-10944)
230.125	am	(P-19717/90; A-5796)	430.200	am	(P-1724; A-10944)
230.130	am	(P-19717/90; A-5796)	432.100	am	(P-1777; A-10993)
240.101	r	(P-19725/90; A-5781)	432.110	am	(P-1777; A-10993)
240.105	r	(P-19725/90; A-5781)	432.120	am	(P-1777; A-10993)
240.110	r	(P-19725/90; A-5781)	432.160	am	(P-1777; A-10993)
240.115	r	(P-19725/90; A-5781)	435.100	am	(P-1748; A-10966)
240.120	r	(P-19725/90; A-5781)	435.110	am	(P-1748; A-10966)
270.101	am	(P-15251/90; A-3507)	435.120	am	(P-1748; A-10966)
270.105	am	(P-15251/90; A-3507)	435.130	am	(P-1748; A-10966)
270.110	am	(P-15251/90; A-3507)	435.140	am	(P-1748; A-10966)
270.115	am	(P-15251/90; A-3507)	435.160	am	(P-1748; A-10966)
270.120	am	(P-15251/90; A-3507)	435.170	am	(P-1748; A-10966)
270.125	am	(P-15251/90; A-3507)	435.180	am	(P-1748; A-10966)
270.130	am	(P-15251/90; A-3507)	435.190	am	(P-1748; A-10966)
280.101	am	(P-17908/90; A-6290)	435.200	am	(P-1748; A-10966)
280.105	am	(P-17908/90; A-6290)	435.210	am	(P-1748; A-10966)
280.110	am	(P-17908/90; A-6290)	435.220	am	(P-1748; A-10966)
280.115	am	(P-17908/90; A-6290)	440.90	am	(P-13429/90; A-117)
280.120	am	(P-17908/90; A-6290)	450.10	am	(P-13434/90; A-122)
280.125	am	(P-17908/90; A-6290)	460.101	am	(P-15417)
280.130	am	(P-17908/90; A-6290)	460.110	am	(P-15417)
290.101	r	(P-19751/90; A-5820)	470.101	am	(P-16901)
290.105	r	(P-19751/90; A-5820)	470.110	am	(P-16901)
290.110	r	(P-19751/90; A-5820)	470.115	r	(P-16901)
290.115	r	(P-19751/90; A-5820)			

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620.120	r	(P-18217/90; A-6288)	470.145	am	(P-16901)
630.101	am	(P-17879/90; A-5762)	470.146	n	(P-16901)
630.105	am	(P-17879/90; A-5762)	470.160	am	(P-16901)
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3000.120	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	490.90	r	(P-16913)
3000.130	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	490.100	r	(P-16913)
3000.140	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	490.120	r	(P-16913)
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3000.160	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	490.150	r	(P-16913)
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3000.170	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	490.180	r	(P-16913)
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3000.220	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	500.105	am	(P-17897/90; A-6305)
3000.230	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	500.115	am	(P-17897/90; A-6305)
3000.235	n	(P-11075; E-11252; A-18263)	500.155	am	(P-17897/90; A-6305)
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3000.245	n	(P-11075; E-11252; A-18263)	500.195	am	(P-17897/90; A-6305)
3000.250	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	500.201	n	(P-5017; A-13538) (P-17897/90; A-6305)
3000.260	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	500.220	am	(P-6305)
3000.270	n	(P-11075; E-11252; A-18263)	510.101	am	(P-16932)
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3000.281	n	(P-11075; E-11252; A-18263)	510.115	r	(P-16932)
3000.282	n	(P-11075; E-11252; A-18263)	510.120	am	(P-16932)
3000.283	n	(P-11075; E-11252; A-18263)	510.131	am	(P-16932)
3000.300	n	(P-11075; E-11252; A-18263)	510.145	am	(P-16932)
3000.310	n	(P-11075; E-11252; A-18263)	510.160	am	(P-16932)
3000.320	n	(P-11075; E-11252; A-18263)	600.101	r	(P-18195/90; A-6284)
3000.330	n	(P-11075; E-11252; A-18263)	600.105	r	(P-18195/90; A-6284)
3000.350	n	(P-11075; E-11252; A-18263)	600.110	r	(P-18195/90; A-6284)
3000.400	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	600.115	r	(P-18195/90; A-6284)
3000.405	n	(P-11075; E-11252; A-18263)	600.120	r	(P-18195/90; A-6284)
3000.410	n	(P-433; W-11342) (P-11075; E-11252; A-18263)	600.125	r	(P-18195/90; A-6284)
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			610.130	r	(P-18208/90; A-6286)
			610.135	r	(P-18208/90; A-6286)
			620.101	r	(P-18217/90; A-6288)
			620.105	r	(P-18217/90; A-6288)

3000.415	n	(P-11075; E-11252; A-18263)	112.9	am	(P-371; A-5684)	114.251	am	(P-5539; A-11164)	120.285	r	(P-12137)
3000.420	n	(P-11075; E-11252; A-18263)	112.64	am	(P-19568/90; A-5275)	114.400	am	(P-15008; E-15144)	120.290	r	(P-12137)
3000.425	n	(P-11075; E-11252; A-18263)	112.70	am	(P-2521; A-11447)	114.402	am	(P-15712/90; A-288)	120.295	r	(P-12137)
3000.430	n	(P-11075; E-11252; A-18263)	112.74	am	(P-2521; A-11447)	114.420	am	(P-15008; E-15144)	120.319	am	(P-833)
3000.435	n	(P-11075; E-11252; A-18263)	112.78	am	(P-2521; A-11447)	115.10	am	(P-17897)	120.320	am	(P-833)
3000.440	n	(P-11075; E-11252; A-18263)	112.80	am	(P-2521; A-11447)	115.30	am	(P-17897)	120.322	am	(P-833)
3000.500	n	(P-433; W-11342)	112.82	am	(P-2521; A-11447)	115.34	am	(P-17897)	120.323	am	(P-833)
3000.600	n	(P-11075; E-11252; A-18263)	112.101	am	(P-8785; A-14227)	115.40	am	(P-17897)	120.370	am	(P-833)
3000.610	n	(P-11075; E-11252; A-18263)	112.110	am	(P-5502; A-11127)	116.500	am	(P-16623; E-16772)	120.370	am	(P-833)
3000.700	n	(P-11075; E-11252; A-18263)	112.115	am	(P-18062)	116.510	am	(P-10897; O-16522; R-16805; A-16719)	120.336	am	(P-18097)
3000.705	n	(P-11075; E-11252; A-18263)	112.130	am	(P-8785; A-14227)	116.520	am	(P-10897; O-16522; R-16805; A-16719)	120.336	am	(P-16625)
3000.710	n	(P-11075; E-11252; A-18263)	112.131	am	(P-5502; 11127)	117.90	n	(P-6435; A-13533)	120.386	am	(P-159; A-5302; E-348)
3000.715	n	(P-11075; E-11252; A-18263)	112.151	am	(P-17886)	117.90	n	(P-6435; A-13533)	120.390	am	(P-5551; A-12747; P-16625)
3000.716	n	(P-11075; E-11252; A-18263)	112.300	am	(P-157; A-5275; E-338)	118.200	am	(P-8681; W-16995; E-8708; O-11533)	120.391	am	(P-5551; A-12747; P-16625)
3000.720	n	(P-11075; E-11252; A-18263)	112.340	am	(P-384; A-5698)	120.11	am	(P-5551; A-12747; P-16625)	121.31	am	(P-5551; A-12747; P-16625)
3000.725	n	(P-11075; E-11252; A-18263)	112.400	am	(P-14994; E-15119)	120.12	n	(P-6089; A-14240)	121.58	am	(P-5551; A-12747; P-16625)
3000.730	n	(P-11075; E-11252; A-18263)	113.9	am	(P-14994; E-15119)	120.31	am	(P-5551; A-12747; P-16625)	121.60	am	(P-5551; A-12747; P-16625)
3000.735	n	(P-11075; E-11252; A-18263)	113.40	am	(P-16610)	120.50	r	(P-12137)	121.61	am	(P-5551; A-12747; P-16625)
3000.740	n	(P-11075; E-11252; A-18263)	113.50	am	(P-16610)	120.60	am	(P-5551; A-12747; P-16625)	121.63	am	(P-5551; A-12747; P-16625)
3000.745	n	(P-11075; E-11252; A-18263)	113.108	am	(P-16610)	120.61	am	(P-5551; A-12747; P-16625)	121.64	am	(P-5551; A-12747; P-16625)
3000.750	n	(P-11075; E-11252; A-18263)	113.109	r	(P-16610)	120.64	am	(P-5551; A-12747; P-16625)	121.91	am	(P-5551; A-12747; P-16625)
3000.755	n	(P-11075; E-11252; A-18263)	113.110	am	(P-16610)	120.65	am	(P-5551; A-12747; P-16625)	121.91	am	(P-5551; A-12747; P-16625)
3000.760	n	(P-11075; E-11252; A-18263)	113.113	am	(P-6913; A-11948)	120.66	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.765	n	(P-11075; E-11252; A-18263)	113.125	am	(P-18073)	120.67	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.770	n	(P-11075; E-11252; A-18263)	113.130	am	(P-19581/90; A-5291)	120.72	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.800	n	(P-11075; E-11252; A-18263)	113.141	am	(P-804; A-7104; E-11111)	120.74	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.810	n	(P-11075; E-11252; A-18263)	113.155	am	(P-15701/90; A-277)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.820	n	(P-11075; E-11252; A-18263)	113.251	am	(P-1715; A-7104; P-18073)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.830	n	(P-11075; E-11252; A-18263)	113.253	am	(P-1715; A-7104; P-18073)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.840	n	(P-11075; E-11252; A-18263)	113.253	am	(P-1715; A-7104; P-18073)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.850	n	(P-11075; E-11252; A-18263)	113.260	am	(P-5517; A-11142)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.900	n	(P-11075; E-11252; A-18263)	113.261	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.910	n	(P-11075; E-11252; A-18263)	113.302	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.920	n	(P-11075; E-11252; A-18263)	113.303	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.930	n	(P-11075; E-11252; A-18263)	113.306	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.940	n	(P-11075; E-11252; A-18263)	113.306	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.950	n	(P-11075; E-11252; A-18263)	113.400	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.960	n	(P-11075; E-11252; A-18263)	113.405	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1000	n	(P-11075; E-11252; A-18263)	113.405	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1010	n	(P-11075; E-11252; A-18263)	113.410	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1020	n	(P-11075; E-11252; A-18263)	113.415	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1030	n	(P-11075; E-11252; A-18263)	113.420	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1100	n	(P-11075; E-11252; A-18263)	113.425	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1110	n	(P-11075; E-11252; A-18263)	113.430	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1120	n	(P-11075; E-11252; A-18263)	113.435	n	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1130	n	(P-11075; E-11252; A-18263)	113.440	#	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1140	n	(P-11075; E-11252; A-18263)	113.440	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1150	n	(P-11075; E-11252; A-18263)	113.445	am	(P-14994; E-15119)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1160	n	(P-11075; E-11252; A-18263)	114.1	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1170	n	(P-11075; E-11252; A-18263)	114.2	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1171	n	(P-11075; E-11252; A-18263)	114.9	am	(P-394; A-5710)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
3000.1172	n	(P-11075; E-11252; A-18263)	114.60	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.61	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.62	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.63	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.64	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.70	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.80	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.120	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.121	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.122	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.123	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.124	am	(P-15008; E-15144)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)
			114.210	am	(P-5539; A-11164)	120.80	am	(P-5551; A-12747; P-16625)	121.94	am	(P-5551; A-12747; P-16625)

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TITLE, §9, (CONT'D.)							
140.490	am	(P-19132/90; A-8264)		141.920	r	(P-12132) (E-12795)	
140.512	am	(P-13274)		141.960	r	(P-12132) (E-12795)	
140.513	r	(P-13274)		141.1000	r	(P-12132) (E-12795)	
140.514	am	(P-11555)		141.1040	r	(P-12132) (E-12795)	
140.518	am	(P-9885; A-17733)		141.1080	r	(P-12132) (E-12795)	
140.523	am	(P-14681/90; A-1051)		141.1120	r	(P-12132) (E-12795)	
140.530	am	(P-15933) (E-16366)		141.1125	am	(P-831; A-7117) (E-1121)	
140.538	am	(P-15933) (E-16366)		141.1160	r	(P-12132) (E-12795)	
140.552	n	(P-15933) (E-16366)		141.1200	am	(P-831; A-7117) (E-1121)	
140.552	n	(P-5585)		141.1200	r	(P-12132) (E-12795)	
140.560	am	(P-7482)		141.1240	am	(P-831; A-7117) (E-1121)	
140.561	am	(P-13963/90; O-17718/90;		141.1240	r	(P-12132) (E-12795)	
140.562	am	R-366) (P-15933) (E-16366)		141.1280	r	(P-12132) (E-12795)	
140.569	am	(P-7834/90; A-18813/90;		141.1320	r	(P-12132) (E-12795)	
		C-1174) (P-7834/90; O-5115;		141.1360	r	(P-12132) (E-12795)	
		R-6789; A-6534) (P-8636;		141.1400	r	(P-12132) (E-12795)	
		A-17733)		141.1480	r	(P-12132) (E-12795)	
140.583	am	(P-15933) (E-16366)		141.1500	r	(P-12132) (E-12795)	
140.646	am	(P-6949)		141.1520	am	(P-831; A-7117) (E-1121)	
140.662	am	(P-14317/90; A-298)		141.1560	r	(P-12132) (E-12795)	
140.835	r	(P-15933) (E-16366)		141.1600	r	(P-12132) (E-12795)	
140.855	n	(P-19592/90; A-10114)		141.1640	r	(P-12132) (E-12795)	
140.855	n	(P-19592/90; A-10114)		141.1680	r	(P-12132) (E-12795)	
140.860	n	(P-19592/90; A-10114)		141.1720	r	(P-12132) (E-12795)	
140.865	n	(P-19592/90; A-10114)		141.1760	r	(P-12132) (E-12795)	
140.870	n	(P-19592/90; A-10114)		141.1800	r	(P-12132) (E-12795)	
140.875	n	(P-19592/90; A-10114)		141.1840	r	(P-12132) (E-12795)	
140.880	n	(P-19592/90; A-10114)		141.1840	am	(P-831; A-7117) (E-1121)	
140.885	n	(P-19592/90; A-10114)		141.1880	am	(P-12132) (E-12795)	
140.890	n	(P-19592/90; A-10114)		141.1880	r	(P-12132) (E-12795)	
140.895	n	(P-19592/90; A-10114)		141.1920	r	(P-12132) (E-12795)	
140.980	n	(P-19592/90; A-10114)		141.1960	r	(P-12132) (E-12795)	
140.Tb.A	r	(P-14317/90; A-298)		141.2000	r	(P-12132) (E-12795)	
140.Tb.D	am	(P-1414; A-8972)		141.2040	am	(P-831; A-7117) (E-1121)	
140.Tb.E	am	(P-12171)		141.2240	r	(P-12132) (E-12795)	
140.Tb.F	r	(P-12171)		141.2280	r	(P-12132) (E-12795)	
140.Tb.K	n	(P-19592/90; A-10114)		141.2320	r	(P-12132) (E-12795)	
140.Tb.L	n	(P-19592/90; A-10114)		141.2360	r	(P-12132) (E-12795)	
140.980	n	(E-11515)		141.2400	am	(P-831; A-7117) (E-1121)	
140.982	n	(E-11515)		141.2440	r	(P-12132) (E-12795)	
141.100	r	(P-12132) (E-12795)		141.2480	r	(P-12132) (E-12795)	
141.100	r	(P-12132) (E-12795)		141.2520	r	(P-12132) (E-12795)	
141.200	r	(P-12132) (E-12795)		141.2520	am	(P-831; A-7117) (E-1121)	
141.200	r	(P-12132) (E-12795)		141.2520	r	(P-12132) (E-12795)	
141.240	r	(P-12132) (E-12795)		141.2560	r	(P-12132) (E-12795)	
141.280	r	(P-12132) (E-12795)		141.2600	r	(P-12132) (E-12795)	
141.320	r	(P-12132) (E-12795)		141.2640	am	(P-831; A-7117) (E-1121)	
141.320	r	(P-12132) (E-12795)		141.2640	r	(P-12132) (E-12795)	
141.360	r	(P-12132) (E-12795)		141.2720	r	(P-12132) (E-12795)	
141.400	r	(P-12132) (E-12795)		141.2760	r	(P-12132) (E-12795)	
141.440	r	(P-12132) (E-12795)		141.2840	r	(P-12132) (E-12795)	
141.440	r	(P-12132) (E-12795)		141.2840	r	(P-12132) (E-12795)	
141.480	r	(P-12132) (E-12795)		141.2880	r	(P-12132) (E-12795)	
141.520	r	(P-12132) (E-12795)		141.2920	am	(P-831; A-7117) (E-1121)	
141.560	am	(P-831; A-7117) (E-1121)		141.2920	am	(P-12132) (E-12795)	
141.560	r	(P-12132) (E-12795)		141.2960	r	(P-12132) (E-12795)	
141.600	r	(P-12132) (E-12795)		141.3000	r	(P-12132) (E-12795)	
141.640	r	(P-12132) (E-12795)		141.3040	r	(P-12132) (E-12795)	
141.680	am	(P-831; A-7117) (E-1121)		141.3080	r	(P-12132) (E-12795)	
141.680	r	(P-12132) (E-12795)					
141.720	r	(P-12132) (E-12795)					
141.760	r	(P-12132) (E-12795)					
141.760	am	(P-831; A-7117) (E-1121)					
141.800	r	(P-12132) (E-12795)					
141.840	r	(P-12132) (E-12795)					
141.880	r	(P-12132) (E-12795)					

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TITLE 89 (CONT'D.)							
141.3120	r	(P-12132) (E-12795)	147.50	am	(P-19653/90; A-7162) (P-870; A-13390)		
141.3160	r	(P-12132) (E-12795)	147.75	am	(P-19653/90; A-7162) (P-870; A-13390)		
141.3200	r	(P-12132) (E-12795)					
141.3240	r	(P-12132) (E-12795)	147.150	am	(P-13967/90; A-27115) (P-15940) (E-16435)		
141.3280	r	(P-12132) (E-12795)			(P-2919; A-9001)		
141.3320	am	(P-831; A-7117) (E-1121)	147.200	am	(P-13967/90; A-27115)		
141.3360	r	(P-12132) (E-12795)	147.205	am	(P-5434/90; O-5118; RC-5120)		
141.3400	r	(P-12132) (E-12795)	147.250	n	(P-15243/90; A-6238)		
141.3440	r	(P-12132) (E-12795)	147.300	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3480	r	(P-12132) (E-12795)					
141.3520	am	(P-12132) (E-12795)	147.305	n	(P-9355/90; O-13039/90; R-3129) (A-3058)		
141.3560	am	(P-831; A-7117) (E-1121)					
141.3600	r	(P-12132) (E-12795)	147.310	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3640	r	(P-12132) (E-12795)					
141.3680	r	(P-831; A-7117) (E-1121)	147.315	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3720	am	(P-12132) (E-12795)	147.320	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3760	r	(P-12132) (E-12795)	147.325	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3800	am	(P-831; A-7117) (E-1121)	147.330	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3840	r	(P-12132) (E-12795)	147.335	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3880	r	(P-12132) (E-12795)	147.340	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.3920	r	(P-12132) (E-12795)					
141.3960	r	(P-12132) (E-12795)	147.345	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.4000	r	(P-12132) (E-12795)	147.350	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.4080	r	(P-12132) (E-12795)					
141.4120	r	(P-12132) (E-12795)	147.355	n	(P-9355/90; O-13039/90; R-3129; A-3058)		
141.4160	r	(P-12132) (E-12795)	147.360	am	(P-15243/90; A-6238) (P-7501) (P-15940) (E-16435)		
141.4200	r	(P-12132) (E-12795)	147.365	am	(P-15940) (E-16435)		
141.4230	r	(P-12132) (E-12795)	147.370	am	(P-870; A-13390)		
141.4240	am	(P-831; A-7117) (E-1121)	147.375	n	(P-870; A-13390)		
141.4280	r	(P-12132) (E-12795)	147.380	n	(P-870; A-13390)		
141.4320	r	(P-12132) (E-12795)	147.385	n	(P-870; A-13390)		
141.4360	am	(P-831; A-7117) (E-1121)	147.390	n	(P-870; A-13390)		
141.4360	r	(P-12132) (E-12795)	147.395	n	(P-870; A-13390)		
141.4440	r	(P-12132) (E-12795)	147.400	n	(P-870; A-13390)		
141.4480	r	(P-12132) (E-12795)	147.405	n	(P-870; A-13390)		
141.4520	am	(P-831; A-7117) (E-1121)	147.410	am	(P-870; A-13390)		
141.4560	am	(P-12132) (E-12795)	148.20	n	(P-15928) (E-16166)		
141.4600	r	(P-12132) (E-12795)	148.30	am	(E-12005)		
141.4640	r	(P-12132) (E-12795)	148.40	am	(P-15928) (E-16166)		
141.4680	am	(P-831; A-7117) (E-1121)	148.50	am	(P-15928) (E-16166)		
141.4720	r	(P-12132) (E-12795)	148.60	am	(P-15928) (E-16166)		
141.4760	r	(P-12132) (E-12795)	148.70	am	(P-15928) (E-16166)		
141.4800	r	(P-12132) (E-12795)	148.80	am	(P-15928) (E-16166)		
141.4840	r	(P-12132) (E-12795)	148.90	am	(P-15928) (E-16166)		
141.4880	r	(P-816; A-14084) (P-15926) (E-16148)	148.100	am	(P-15928) (E-16166)		
141.4920	n	(P-7455)	148.150	am	(P-15928) (E-16166)		
141.4960	n	(P-7455)	148.160	am	(P-15928) (E-16166)		
141.5000	am	(P-19653/90; A-7162) (P-870; A-13390)	148.170	am	(P-15928) (E-16166)		
141.5040	am	(P-19653/90; A-7162) (P-870; A-13390)	148.180	am	(P-15928) (E-16166)		
141.5080	am	(P-19653/90; A-7162) (P-870; A-13390)	148.190	am	(P-15928) (E-16166)		
141.5120	am	(P-19653/90; A-7162) (P-870; A-13390)	148.200	am	(P-15928) (E-16166)		
141.5160	am	(P-19653/90; A-7162) (P-870; A-13390)	148.210	am	(P-15928) (E-16166)		
141.5200	am	(P-19653/90; A-7162) (P-870; A-13390)	148.220	am	(P-15928) (E-16166)		
141.5240	am	(P-19653/90; A-7162) (P-870; A-13390)	148.230	am	(P-15928) (E-16166)		
141.5280	am	(P-19653/90; A-7162) (P-870; A-13390)	148.240	am	(P-15928) (E-16166)		
141.5320	am	(P-19653/90; A-7162) (P-870; A-13390)	148.250	am	(P-15928) (E-16166)		
141.5360	am	(P-19653/90; A-7162) (P-870; A-13390)	148.260	am	(P-15928) (E-16166)		
141.5400	am	(P-19653/90; A-7162) (P-870; A-13390)	148.270	am	(P-15928) (E-16166)		
141.5440	am	(P-19653/90; A-7162) (P-870; A-13390)	148.280	am	(P-15928) (E-16166)		
141.5480	am	(P-19653/90; A-7162) (P-870; A-13390)	148.290	am	(P-15928) (E-16166)		
141.5520	am	(P-19653/90; A-7162) (P-870; A-13390)	148.300	am	(P-15928) (E-16166)		
141.5560	am	(P-19653/90; A-7162) (P-870; A-13390)	148.310	am	(P-15928) (E-16166)		
141.5600	am	(P-19653/90; A-7162) (P-870; A-13390)	148.320	am	(P-15928) (E-16166)		
141.5640	am	(P-19653/90; A-7162) (P-870; A-13390)	148.330	am	(P-15928) (E-16166)		
141.5680	am	(P-19653/90; A-7162) (P-870; A-13390)	148.340	am	(P-15928) (E-16166)		
141.5720	am	(P-19653/90; A-7162) (P-870; A-13390)	148.350	am	(P-15928) (E-16166)		
141.5760	am	(P-19653/90; A-7162) (P-870; A-13390)	148.360	am	(P-15928) (E-16166)		
141.5800	am	(P-19653/90; A-7162) (P-870; A-13390)	148.370	am	(P-15928) (E-16166)		
141.5840	am	(P-19653/90; A-7162) (P-870; A-13390)	148.380	am	(P-15928) (E-16166)		
141.5880	am	(P-19653/90; A-7162) (P-870; A-13390)	148.390	am	(P-15928) (E-16166)		
141.5920	am	(P-19653/90; A-7162) (P-870; A-13390)	148.400	am	(P-15928) (E-16166)		
141.5960	am	(P-19653/90; A-7162) (P-870; A-13390)	148.410	am	(P-15928) (E-16166)		
141.6000	am	(P-19653/90; A-7162) (P-870; A-13390)	148.420	am	(P-15928) (E-16166)		
141.6040	am	(P-19653/90; A-7162) (P-870; A-13390)	148.430	am	(P-15928) (E-16166)		
141.6080	am	(P-19653/90; A-7162) (P-870; A-13390)	148.440	am	(P-15928) (E-16166)		
141.6120	am	(P-19653/90; A-7162) (P-870; A-13390)	148.450	am	(P-15928) (E-16166)		
141.6160	am	(P-19653/90; A-7162) (P-870; A-13390)	148.460	am	(P-15928) (E-16166)		
141.6200	am	(P-19653/90; A-7162) (P-870; A-13390)	148.470	am	(P-15928) (E-16166)		
141.6240	am	(P-19653/90; A-7162) (P-870; A-13390)	148.480	am	(P-15928) (E-16166)		
141.6280	am	(P-19653/90; A-7162) (P-870; A-13390)	148.490	am	(P-15928) (E-16166)		
141.6320	am	(P-19653/90; A-7162) (P-870; A-13390)	148.500	am	(P-15928) (E-16166)		
141.6360	am	(P-19653/90; A-7162) (P-870; A-13390)	148.510	am	(P-15928) (E-16166)		
141.6400	am	(P-19653/90; A-7162) (P-870; A-13390)	148.520	am	(P-15928) (E-16166)		
141.6440	am	(P-19653/90; A-7162) (P-870; A-13390)	148.530	am	(P-15928) (E-16166)		
141.6480	am	(P-19653/90; A-7162) (P-870; A-13390)	148.540	am	(P-15928) (E-16166)		
141.6520	am	(P-19653/90; A-7162) (P-870; A-13390)	148.550	am	(P-15928) (E-16166)		
141.6560	am	(P-19653/90; A-7162) (P-870; A-13390)	148.560	am	(P-15928) (E-16166)		
141.6600	am	(P-19653/90; A-7162) (P-870; A-13390)	148.570	am	(P-15928) (E-16166)		
141.6640	am	(P-19653/90; A-7162) (P-870; A-13390)	148.580	am	(P-15928) (E-16166)		
141.6680	am	(P-19653/90; A-7162) (P-870; A-13390)	148.590	am	(P-15928) (E-16166)		
141.6720	am	(P-19653/90; A-7162) (P-870; A-13390)	148.600	am	(P-15928) (E-16166)		
141.6760	am	(P-19653/90; A-7162) (P-870; A-13390)	148.610	am	(P-15928) (E-16166)		
141.6800	am	(P-19653/90; A-7162) (P-870; A-13390)	148.620	am	(P-15928) (E-16166)		
141.6840	am	(P-19653/90; A-7162) (P-870; A-13390)	148.630	am	(P-15928) (E-16166)		
141.6880	am	(P-19653/90; A-7162) (P-870; A-13390)	148.640	am	(P-15928) (E-16166)		
141.6920	am	(P-19653/90; A-7162) (P-870; A-13390)	148.650	am	(P-15928) (E-16166)		
141.6960	am	(P-19653/90; A-7162) (P-870; A-13390)	148.660	am	(P-15928) (E-16166)		
141.7000	am	(P-19653/90; A-7162) (P-870; A-13390)	148.670	am	(P-15928) (E-16166)		
141.7040	am	(P-19653/90; A-7162) (P-870; A-13390)	148.680	am	(P-15928) (E-16166)		
141.7080	am	(P-19653/90; A-7162) (P-870; A-13390)	148.690	am	(P-15928) (E-16166)		
141.7120	am	(P-19653/90; A-7162) (P-870; A-13390)	148.700	am	(P-15928) (E-16166)		
141.7160	am	(P-19653/90; A-7162) (P-870; A-13390)	148.710	am	(P-15928) (E-16166)		
141.7200	am	(P-19653/90; A-7162) (P-870; A-13390)	148.720	am	(P-15928) (E-16166)		
141.7240	am	(P-19653/90; A-7162) (P-870; A-13390)	148.730	am	(P-15928) (E-16166)		
141.7280	am	(P-19653/90; A-7162) (P-870; A-13390)	148.740	am	(P-15928) (E-16166)		
141.7320	am	(P-19653/90; A-7162) (P-870; A-13390)	148.750	am	(P-15928) (E-16166)		
141.7360	am	(P-19653/90; A-7162) (P-870; A-13390)	148.760	am	(P-15928) (E-16166)		
141.7400	am	(P-19653/90; A-7162) (P-870; A-13390)	148.770	am	(P-15928) (E-16166)		
141.7440	am	(P-19653/90; A-7162) (P-870; A-13390)	148.780	am	(P-15928) (E-16166)		
141.7480	am	(P-19653/90; A-7162) (P-870; A-13390)	148.790	am	(P-15928) (E-16166)		
141.7520	am	(P-19653/90; A-7162) (P-870; A-13390)	148.800	am	(P-15928) (E-16166)		
141.7560	am	(P-19653/90; A-7162) (P-870; A-13390)	148.810	am	(P-15928) (E-16166)		
141.7600	am	(P-19653/90; A-7162) (P-870; A-13390)	148.820	am	(P-15928) (E-16166)		
141.7640	am	(P-19653/90; A-7162) (P-870; A-13390)	148.830	am	(P-15928) (E-16166)		
141.7680	am	(P-19653/90; A-7162) (P-870; A-13390)	148.840	am	(P-15928) (E-16166)		
141.7720	am	(P-19653/90; A-7162) (P-870; A-13390)	148.850	am	(P-15928) (E-16166)		
141.7760	am	(P-19653/90; A-7162) (P-870; A-13390)	148.860	am	(P-15928) (E-16166)		
141.7800	am	(P-19653/90; A-7162) (P-870; A-13390)	148.870	am	(P-15928) (E-16166)		

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TITLE 89 (CONT'D)		TITLE 92 (CONT'D)		TITLE 92 (CONT'D)		TITLE 92 (CONT'D)	
840.70	n	(P-15390)	1300.110	am	(P-5141)	37.70	n
840.75	am	(P-15390)	1300.120	am	(P-5141)	37.80	n
840.80	am	(P-15390)	1300.130	am	(P-5141)	37.90	n
840.90	am	(P-15390)	1300.200	am	(P-5141)	37.100	n
840.95	am	(P-15390)	1300.205	n	(P-5141)	37.110	n
840.100	n	(P-15390)	1300.210	am	(P-5141)	37.120	n
840.105	n	(P-15390)				37.130	n
840.110	n	(P-15390)				37.140	n
843.10	n	(P-15390)				37.150	n
843.11	am	(P-15390)				37.160	n
843.12	am	(P-15390)				37.170	n
843.13	am	(P-15390)				37.180	n
843.14	am	(P-15390)				37.190	n
843.15	am	(P-15390)				37.200	n
843.16	am	(P-15390)				37.210	n
843.17	am	(P-15390)				37.220	n
843.18	am	(P-15390)				37.230	n
843.19	am	(P-15390)				37.240	n
843.20	am	(P-15390)				37.250	n
843.21	am	(P-15390)				37.260	n
843.22	am	(P-15390)				37.270	n
843.23	am	(P-15390)				37.280	n
843.24	am	(P-15390)				37.290	n
843.25	am	(P-15390)				37.300	n
843.26	am	(P-15390)				37.310	n
843.27	am	(P-15390)				37.320	n
843.28	am	(P-15390)				37.330	n
843.29	am	(P-15390)				37.340	n
843.30	am	(P-15390)				37.350	n
843.31	am	(P-15390)				37.360	n
843.32	am	(P-15390)				37.370	n
843.33	am	(P-15390)				37.380	n
843.34	am	(P-15390)				37.390	n
843.35	am	(P-15390)				37.400	n
843.36	am	(P-15390)				37.410	n
843.37	am	(P-15390)				37.420	n
843.38	am	(P-15390)				37.430	n
843.39	am	(P-15390)				37.440	n
843.40	am	(P-15390)				37.450	n
843.41	am	(P-15390)				37.460	n
843.42	am	(P-15390)				37.470	n
843.43	am	(P-15390)				37.480	n
843.44	am	(P-15390)				37.490	n
843.45	am	(P-15390)				37.500	n
843.46	am	(P-15390)				37.510	n
843.47	am	(P-15390)				37.520	n
843.48	am	(P-15390)				37.530	n
843.49	am	(P-15390)				37.540	n
843.50	am	(P-15390)				37.550	n
843.51	am	(P-15390)				37.560	n
843.52	am	(P-15390)				37.570	n
843.53	am	(P-15390)				37.580	n
843.54	am	(P-15390)				37.590	n
843.55	am	(P-15390)				37.600	n
843.56	am	(P-15390)				37.610	n
843.57	am	(P-15390)				37.620	n
843.58	am	(P-15390)				37.630	n
843.59	am	(P-15390)				37.640	n
843.60	am	(P-15390)				37.650	n
843.61	am	(P-15390)				37.660	n
843.62	am	(P-15390)				37.670	n
843.63	am	(P-15390)				37.680	n
843.64	am	(P-15390)				37.690	n
843.65	am	(P-15390)				37.700	n
843.66	am	(P-15390)				37.710	n
843.67	am	(P-15390)				37.720	n
843.68	am	(P-15390)				37.730	n
843.69	am	(P-15390)				37.740	n
843.70	am	(P-15390)				37.750	n
843.71	am	(P-15390)				37.760	n
843.72	am	(P-15390)				37.770	n
843.73	am	(P-15390)				37.780	n
843.74	am	(P-15390)				37.790	n
843.75	am	(P-15390)				37.800	n
843.76	am	(P-15390)				37.810	n
843.77	am	(P-15390)				37.820	n
843.78	am	(P-15390)				37.830	n
843.79	am	(P-15390)				37.840	n
843.80	am	(P-15390)				37.850	n
843.81	am	(P-15390)				37.860	n
843.82	am	(P-15390)				37.870	n
843.83	am	(P-15390)				37.880	n
843.84	am	(P-15390)				37.890	n
843.85	am	(P-15390)				37.900	n
843.86	am	(P-15390)				37.910	n
843.87	am	(P-15390)				37.920	n
843.88	am	(P-15390)				37.930	n
843.89	am	(P-15390)				37.940	n
843.90	am	(P-15390)				37.950	n
843.91	am	(P-15390)				37.960	n
843.92	am	(P-15390)				37.970	n
843.93	am	(P-15390)				37.980	n
843.94	am	(P-15390)				37.990	n
843.95	am	(P-15390)				38.000	n
843.96	am	(P-15390)				38.010	n
843.97	am	(P-15390)				38.020	n
843.98	am	(P-15390)				38.030	n
843.99	am	(P-15390)				38.040	n
844.00	am	(P-15390)				38.050	n
844.01	am	(P-15390)				38.060	n
844.02	am	(P-15390)				38.070	n
844.03	am	(P-15390)				38.080	n
844.04	am	(P-15390)				38.090	n
844.05	am	(P-15390)				38.100	n
844.06	am	(P-15390)				38.110	n
844.07	am	(P-15390)				38.120	n
844.08	am	(P-15390)				38.130	n
844.09	am	(P-15390)				38.140	n
844.10	am	(P-15390)				38.150	n
844.11	am	(P-15390)				38.160	n
844.12	am	(P-15390)				38.170	n
844.13	am	(P-15390)				38.180	n
844.14	am	(P-15390)				38.190	n
844.15	am	(P-15390)				38.200	n
844.16	am	(P-15390)				38.210	n
844.17	am	(P-15390)				38.220	n
844.18	am	(P-15390)				38.230	n
844.19	am	(P-15390)				38.240	n
844.20	am	(P-15390)				38.250	n
844.21	am	(P-15390)				38.260	n
844.22	am	(P-15390)				38.270	n
844.23	am	(P-15390)				38.280	n
844.24	am	(P-15390)				38.290	n
844.25	am	(P-15390)				38.300	n
844.26	am	(P-15390)				38.310	n
844.27	am	(P-15390)				38.320	n
844.28	am	(P-15390)				38.330	n
844.29	am	(P-15390)				38.340	n
844.30	am	(P-15390)				38.350	n
844.31	am	(P-15390)				38.360	n
844.32	am	(P-15390)				38.370	n
844.33	am	(P-15390)				38.380	n
844.34	am	(P-15390)				38.390	n
844.35	am	(P-15390)				38.400	n
844.36	am	(P-15390)				38.410	n
844.37	am	(P-15390)				38.420	n
844.38	am	(P-15390)				38.430	n
844.39	am	(P-15390)				38.440	n
844.40	am	(P-15390)				38.450	n
844.41	am	(P-15390)				38.460	n
844.42	am	(P-15390)				38.470	n
844.43	am	(P-15390)				38.480	n
844.44	am	(P-15390)				38.490	n
844.45	am	(P-15390)				38.500	n
844.46	am	(P-15390)				38.510	n
844.47	am	(P-15390)				38.520	n
844.48	am	(P-15390)				38.530	n
844.49	am	(P-15390)				38.540	n
844.50	am	(P-15390)				38.550	n
844.51	am	(P-15390)				38.560	n
844.52	am	(P-15390)				38.570	n
844.53	am	(P-15390)				38.580	n
844.54	am	(P-15390)				38.590	n
844.55	am	(P-15390)				38.600	n
844.56	am	(P-15390)				38.610	n
844.57	am	(P-15390)				38.620	n
844.58	am	(P-15390)				38.630	n
844.59	am	(P-15390)				38.640	n
844.60	am	(P-15390)				38.650	n
844.61	am	(P-15390)				38.660	n
844.62	am	(P-15390)				38.670	n
844.63	am	(P-15390)				38.680	n
844.64	am	(P-15390)				38.690	n
844.65	am	(P-15390)				38.700	n
844.66	am	(P-1539					

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530.202	r	(P-3003)	530.906	r	(P-3003)
530.203	r	(P-3003)	530.907	r	(P-3003)
530.210	n	(P-2940)	530.908	r	(P-3003)
530.220	n	(P-2940)	530.909	r	(P-3003)
530.225	n	(P-2940)	530.11. A	n	(P-2940)
530.230	n	(P-2940)	708.70	am	(P-8193)
530.240	n	(P-2940)	720.10	am	(P-3426; A-9068)
530.250	n	(P-2940)	1010.425	n	(P-4886; A-12782)
530.250	n	(P-2940)	1010.426	n	(P-4886; A-12782)
530.260	n	(P-2940)	1010.740	am	(P-4886; A-12782)
530.270	n	(P-2940)	1030.84	am	(P-14198)
530.275	n	(P-2940)	1030.88	am	(P-10589; A-15783)
530.280	n	(P-2940)	1040.42	am	(P-7891; A-14258)
530.290	n	(P-2940)	1070.20	am	(P-15428)
530.300	n	(P-2940)	1070.40	am	(P-8797; A-15083)
530.301	r	(P-3003)	1070.100	n	(P-19094; A-17568)
530.302	r	(P-3003)	1201.10	am	(P-19094; A-17568)
530.303	r	(P-3003)	1201.20	am	(P-19094; A-17568)
530.310	n	(P-2940)	1201.40	am	(P-19094; A-17568)
530.320	n	(P-2940)	1201.50	am	(P-19094; A-17568)
530.330	n	(P-2940)	1270.200	n	(P-1617090; A-10925)
530.400	n	(P-2940)	1304.10	am	(P-19104; A-17580)
530.401	r	(P-3003)	1308.10	n	(P-8097; A-14414)
530.402	r	(P-3003)	1308.20	n	(P-8097; A-14414)
530.403	r	(P-3003)	1308.30	n	(P-8097; A-14414)
530.410	n	(P-2940)	1311.10	n	(P-4195)
530.420	n	(P-2940)	1535.510	r	(P-1817790; A-10920)
530.430	n	(P-2940)			
530.440	n	(P-2940)			
530.450	n	(P-2940)			
530.460	n	(P-2940)			
530.470	n	(P-2940)			
530.480	n	(P-2940)			
530.500	n	(P-2940)			
530.501	r	(P-3003)			
530.502	r	(P-3003)			
530.503	r	(P-3003)			
530.510	n	(P-2940)			
530.520	n	(P-2940)			
530.530	n	(P-2940)			
530.600	n	(P-2940)			
530.601	r	(P-3003)			
530.602	r	(P-3003)			
530.603	r	(P-3003)			
530.610	n	(P-2940)			
530.700	n	(P-2940)			
530.701	r	(P-3003)			
530.702	r	(P-3003)			
530.710	n	(P-2940)			
530.800	n	(P-2940)			
530.801	r	(P-3003)			
530.802	r	(P-3003)			
530.803	r	(P-3003)			
530.804	r	(P-3003)			
530.810	n	(P-2940)			
530.820	n	(P-2940)			
530.830	n	(P-2940)			
530.840	n	(P-2940)			
530.900	n	(P-2940)			
530.901	r	(P-3003)			
530.902	r	(P-3003)			
530.903	r	(P-3003)			
530.904	r	(P-3003)			
530.905	r	(P-3003)			

